

FEDERAL REGISTER

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Regulations

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 116—CIVIL AIR NAVIGATION

ALIENS ON AIRCRAFT ARRIVING OVERLAND IN CONTIGUOUS TERRITORY

NOVEMBER 17, 1944.

Section 116.52, Title 8, Chapter I, Code of Federal Regulations is hereby amended by adding thereto the following: "Aliens on aircraft arriving overland in foreign contiguous territory on journeys which did not begin outside of North or South America or islands belonging to countries or to political subdivisions of these continents shall not be held to be subject to section 23 of the Immigration Act of 1917 (8 U. S. C. 162) or section 17 of the Immigration Act of 1924 (8 U. S. C. 217)."

FRANCIS BIDDLE,
Attorney General.

Approval recommended:

JOSEPH SAVORETTI,
Acting Commissioner of
Immigration and
Naturalization.

[F. R. Doc. 44-17726; Filed, Nov. 18, 1944;
4:00 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4936]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL MERCHANDISING CO., ET AL.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, (1) supplying, etc., others with push cards, punch boards, or other lottery devices, either with merchandise or separately, which are to be used or may be used in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; or (2) selling, etc., any merchandise by means of a game of

chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, National Merchandising Company, et al., Docket 4936, October 2, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of October, A. D. 1944.

In the Matter of Fred Greenberg and Rose Greenberg, Individuals, Trading as National Merchandising Company, and Max H. Green (Referred to in the Complaint as Max H. Greenberg), an Individual

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that respondents Fred Greenberg and Rose Greenberg have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Fred Greenberg and Rose Greenberg, individually and trading as National Merchandising Company, or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others, push cards, punch boards, or other lottery devices, either with merchandise or separately, which are to be used or may be used in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.
- Book 7: Titles 33-45, with index.
- Book 8: Title 46, with index.

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It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Max H. Green.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-17711; Filed, Nov. 18, 1944;
11:29 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Cumulative Supp. 3, Nov. 17, 1944 to Revision VIII of Sept. 13, 1944]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of Foreign Economic Administration, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F. R. 3555), Cumulative Supplement 3 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision VIII of September 13, 1944 (9 F. R. 11389), is hereby promulgated.¹

By direction of the President:

[SEAL] E. R. STETTINIUS, JR.,
Acting Secretary of State.
HERBERT E. GASTON,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
WAYNE C. TAYLOR,
Acting Secretary of Commerce.
LEO T. CROWLEY,
Administrator, Foreign
Economic Administration.
DON FRANCISCO,
Acting Coordinator of Inter-
American Affairs.

NOVEMBER 17, 1944.

[F. R. Doc. 44-17719; Filed, Nov. 18, 1944;
1:35 p. m.]

¹ Filed with the Division of the Federal Register in the National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter C—Mutual Mortgage Insurance

PART 521—ADMINISTRATIVE RULES FOR MUTUAL MORTGAGE INSURANCE UNDER SECTION 203 OF THE NATIONAL HOUSING ACT

MORTGAGE MUST BE ONLY LIEN UPON PROPERTY

Section 521.28 is amended to read as follows:

§ 521.28 *Mortgage must be only lien upon property.* A mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property: *Provided*, That if the mortgagor is a veteran and obtains a guaranteed loan under Title III of the Servicemen's Readjustment Act of 1944 the existence of such loan or any secondary lien upon the mortgaged property to secure such loan shall not render the first mortgage ineligible for insurance.

Issued at Washington, D. C., this 15th day of November 1944.

ABNER H. FERGUSON,
Federal Housing Commissioner.

[F. R. Doc. 44-17639; Filed, Nov. 17, 1944;
2:18 p. m.]

Subchapter E—Farm Mortgage Insurance

PART 551—ADMINISTRATIVE RULES FOR FARM MORTGAGE INSURANCE UNDER SECTION 203 (D) OF THE NATIONAL HOUSING ACT

MORTGAGE MUST BE ONLY LIEN EXCLUSIVE OF GROWING CROPS

Section 551.29 is amended to read as follows:

§ 551.29 *The mortgage must be only lien exclusive of growing crops.* A mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property exclusive of growing crops will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property: *Provided*, That if the mortgagor is a veteran and obtains a guaranteed loan under Title III of the Servicemen's Readjustment Act of 1944 the existence of such loan or any secondary lien upon the mortgaged property to secure such loan

shall not render the first mortgage ineligible for insurance.

Issued at Washington, D. C., this 15th day of November 1944.

ABNER H. FERGUSON,
Federal Housing Commissioner.

[F. R. Doc. 44-17640; Filed, Nov. 17, 1944;
2:18 p. m.]

Subchapter H—War Housing Insurance

PART 576—ADMINISTRATIVE RULES FOR WAR HOUSING INSURANCE UNDER SEC- TION 603 OF THE NATIONAL HOUSING ACT

MORTGAGE MUST BE ONLY LIEN UPON PROPERTY

Section 576.29 is amended to read as follows:

§ 576.29 *Mortgage must be only lien upon property.* A mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property: *Provided*, That if the mortgagor is a veteran and obtains a guaranteed loan under Title III of the Servicemen's Readjustment Act of 1944 the existence of such loan or any secondary lien upon the mortgaged property to secure such loan shall not render the first mortgage ineligible for insurance.

Issued at Washington, D. C. this 15th day of November 1944.

ABNER H. FERGUSON,
Federal Housing Commissioner.

[F. R. Doc. 44-17641; Filed, Nov. 17, 1944;
2:18 p. m.]

Chapter VII—National Housing Agency

[NHA Reg. 60-8A]

PART 702—PRIVATE WAR HOUSING

COMPLIANCE WITH STANDARDS OF WAR WORKER ELIGIBILITY

This regulation is a revision of Regulation (G. O.) 60-8. It omits section 6 of the old order which was repealed by Regulation 60-8-1 and omits the reproduction of copies of the forms. Forms NHA 30-34 and 60-8 have been revised and Form NHA 60-9, which was referred to in the original order, is no longer in use.

The National Housing Agency has established in its regulations standards of occupancy and re-occupancy for private war housing. In brief, these standards provide that housing begun on or after February 10, 1943, shall be reserved for indispensable in-migrant war workers and that housing begun before February 10, 1943, shall be reserved for such

war workers or for other war workers defined in the priority application (or other instrument) under which the construction of the housing is authorized.

This regulation deals with housing begun on or after February 10, 1943, for which only war workers, as defined in the National Housing Agency Regulations, are eligible. The purpose of this regulation is to establish two alternative methods by which the National Housing Agency may observe, check and help to effectuate compliance with the occupancy regulations. These methods include the use of "Compliance Report on Occupancy of Private War Housing" and "War Worker's Housing Referral Card."

Sec.

702.30 "Compliance Report on Occupancy of Private War Housing" to be filed by owner of housing begun on or after February 10, 1943.

702.31 Use by NHA of "Compliance Report on Occupancy of Private War Housing."

702.32 Effective date of "Compliance Report on Occupancy of Private War Housing" method.

702.33 Alternative method for occupancy of housing begun on or after February 10, 1943: "War Worker's Housing Referral Card" from War Housing Center.

AUTHORITY: §§ 702.30 to 702.33, inclusive, issued under 55 Stat. 838; E.O. 9070, 7 F.R. 1529; 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329 as amended by E.O. 9040, 7 F.R. 527, and E.O. 9125, 7 F.R. 2719.

§ 702.30 "Compliance Report on Occupancy of Private War Housing" to be filed by owner of housing begun on or after February 10, 1943. (a) Instead of setting up a complicated system of compulsory compliance or enforcement, the National Housing Agency will rely primarily upon the owner of the war housing unit and the proposed occupant, making them jointly responsible for determining whether the occupant is an eligible war worker. The National Housing Agency will receive from the owner, within a week after the occupancy or re-occupancy of the unit, a "Compliance Report on Occupancy of Private War Housing" setting forth that, in the judgment of the owner and the occupant, the worker is eligible.

(b) To assist the owner and occupant in making this Report, the National Housing Agency has prepared a form (Form NHA 60-8) which contains the definition of war worker eligibility, as well as certain questions to be filled in by the owner, the war worker and the employer. The use of this Form will require very little time and effort, and practically no expenditure.

(c) This "Compliance Report on Occupancy of Private War Housing" shall be forwarded by the owner, within seven (7) days after occupancy or re-occupancy, to the local War Housing Center (or if there is none, to the Regional Office of the National Housing Agency for the area). Ultimately, the report will be placed in the local Federal Housing Administration office file relating to the housing.

§ 702.31 Use by NHA of "Compliance Report on Occupancy of Private War Housing". (a) If the examination of the Compliance Report shows occupancy undertaken in good faith but not in conformity with the standards of war worker eligibility, the National Housing Agency will take such corrective measures as can be taken without undue hardship to those who have acted in good faith.

(b) If such checks of occupancy as the National Housing Agency will make from time to time reveal any willful misrepresentation in a Compliance Report which has resulted in improper occupancy of housing reserved for war workers, the National Housing Agency with the aid of other governmental agencies will take appropriate action to make such housing immediately available for eligible war workers if they are in need of housing in the locality.

§ 702.32 Effective date of "Compliance Report on Occupancy of Private War Housing" method. (a) All owners of private war housing begun on or after February 10, 1943, shall file the "Compliance Report on Occupancy of Private War Housing" (Form NHA 60-8) as provided in this regulation, except where use is made of the alternative method of "War Worker's Housing Referral Card" as set forth in section 5 hereof.

§ 702.33 Alternative method for occupancy of housing begun on or after February 10, 1943: "War Worker's Housing Referral Card" from War Housing Center. (a) In localities where War Housing Centers are in operation, owners may accept as evidence of eligibility, as an alternative method to the "Compliance Report on Occupancy of Private War Housing," the War Worker's Housing Referral Card (Form NHA 30-34) when it is presented by the applicant to whom it was issued at the War Housing Center. War workers who have not been referred by the War Housing Center may be directed by the owner to the War Housing Center to apply for a War Worker's Housing Referral Card in lieu of the owner preparing a Compliance Report. This card will be issued at War Housing Centers only to those persons who qualify as essential in-migrant war workers as defined in the NHA Regulations. The form will include a portion to be detached by the owner after the house has been rented to the war worker and to be returned to the War Housing Center as an occupancy report in lieu of the Compliance Report on Occupancy of Private War Housing. Thus, in those localities where War Housing Centers are in operation, the War Worker's Housing Referral Card will serve both as an authorization to the owner to accept the bearer as eligible and as conclusive evidence of the owner's compliance with the occupancy requirements of priority assistance.

(b) If a worker coming to the War Housing Center is found to be ineligible under the NHA regulations, but to be eligible for certain types of housing com-

menced before February 10, 1943, the worker may be appropriately advised and referred.

JOHN B. BLANDFORD, Jr.,
Administrator.

[F. R. Doc. 44-17738; Filed, Nov. 20, 1944;
9:48 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE OR SALARY RATES INCREASES; BOARD APPROVAL NOT REQUIRED

General Order No. 30 has been amended to read as follows:

§ 803.30 *Wage or salary rates increases; Board approval not required.* In accordance with the provisions of section 4 of Title II of Executive Order 9250, increases in wage or salary rates which do not bring such rates above 50¢ per hour may be made without the approval of the National War Labor Board. Increases above 40¢ per hour made hereunder may not, however, furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justified reductions in such price ceilings.

(E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9328, Apr. 8, 1943, 8 F.R. 4681; Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.)

Adopted November 11, 1944.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 44-17671; Filed, Nov. 18, 1944;
9:57 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

FIREWORKS

Pursuant to the authority conferred by sections 1 and 18 of the act of December 26, 1941 (55 Stat. 863), as amended, all fireworks are designated as not included in the terms "explosive" or "explosives", and § 301.2 (b) of the regulations under the act heretofore promulgated¹ is amended by striking from the list of chemical compounds and mechanical mixtures the words "Fireworks—all kinds."

This designation and amendment shall not affect any liabilities heretofore in-

¹ Including regulations and amendments published in 7 F.R. 305, 1103, 1976, 3876, 4758, 5901, 8175, 9606; 8 F.R. 1343, 3080, 4141, 15313; 9 F.R. 1502, 3006, 4130, 4384.

curred or proceedings heretofore instituted.

R. R. SAYERS,
Director.

Approved: November 15, 1944.

MICHAEL W. STRAUS,
Assistant Secretary,
Department of the Interior.

[F. R. Doc. 44-17737; Filed, Nov. 20, 1944;
9:48 a. m.]

Chapter VI—Selective Service System

[Amtd. 266]

STATEMENT OF U. S. CITIZEN OF JAPANESE ANCESTRY

ORDER PRESCRIBING FORMS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 304A, entitled "Statement of United States Citizen of Japanese Ancestry."¹ Henceforth, no unrevised DSS Form 304A will be used except those unrevised DSS Forms 304A which the local board, prior to October 23, 1944, instructed a registrant to fill out. All unused copies of the unrevised DSS Form 304A will be disposed of.

The foregoing revision shall become a part of the Selective Service Regulations effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 16, 1944.

[F. R. Doc. 44-17720; Filed, Nov. 18, 1944;
3:12 p. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-651]

MARKSTONE MANUFACTURING CO.

Max Marks and Harvey Stone, a partnership doing business as Markstone Manufacturing Company, 1470 South Michigan Avenue, Chicago, Illinois, were formerly engaged in the business of assembling and selling new fluorescent lighting fixtures. Between December 9, 1943 and April 30, 1944, the partnership assembled and sold approximately 12,515 new fluorescent lighting fixtures pursuant to orders which did not bear any preference ratings, in violation of General Lim-

¹ Filed as part of original document.

itation Order L-78. The partnership also failed to maintain production records or inventory control records, or adequate purchase records in violation of Priorities Regulation No. 1.

The partners were familiar with the provisions of General Limitation Order L-78 and Priorities Regulation No. 1 and their actions constituted wilful violations of these orders. These violations have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.651 *Suspension Order No. S-651.* (a) Max Marks and Harvey Stone shall not manufacture, process, assemble, sell, deliver, or otherwise transfer any fluorescent lighting fixtures or any component parts thereof, as defined in General Limitation Order L-78.

(b) Max Marks and Harvey Stone shall not apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used.

(c) The restrictions and prohibitions contained herein shall apply to Max Marks and Harvey Stone, doing business as Markstone Manufacturing Company or under any other name, their successors and assigns or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) Nothing contained in this order shall be deemed to relieve Max Marks and Harvey Stone, doing business as Markstone Manufacturing Company, their and its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on November 17th, 1944, and shall expire on February 17th, 1945.

Issued this 7th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17667; Filed, Nov. 17, 1944;
4:35 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-606, Revocation]

DE MAMBRO RADIO SUPPLY CO.

Suspension Order No. S-606 was issued against Joseph A. DeMambro, d/b/a DeMambro Radio Supply Company, 1111 Commonwealth Avenue, Boston, Massachusetts, effective August 30, 1944. An appeal was filed with the Chief Compliance Commissioner. A stay was granted effective August 31, 1944 pending final determination of the appeal. The case was reviewed by the Chief Compliance Commissioner who concluded that the evidence is not a sufficient basis for the suspension order. He, therefore, on November 16, 1944, directed that the

suspension order be revoked forthwith. In view of the foregoing:

It is hereby ordered, that: § 1010.606 Suspension Order No. S-606 be revoked.

Issued this 17th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17666; Filed, Nov. 17, 1944;
4:36 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 24 as Amended Nov. 18, 1944]

PURCHASE OF CERTAIN MATERIALS AS MRO IRRESPECTIVE OF ACCOUNTING PRACTICES

The following amended direction is issued pursuant to CMP Reg. 5:

(a) Persons who manufacture products, or who engage in activities listed below may buy the materials indicated for use in such activities or in manufacture of such products by use of their MRO rating and symbol irrespective of whether such material is charged to operating expense under a particular manufacturer's accounting practice.

Product or activity	Material that may be purchased under this direction
Footwear-----	Steel toe lasting wire, steel staple wire, steel grip tacker wire, steel slugging wire, steel taper nail wire, steel wire used for similar purposes and all types of steel staples.
Products of printing and publishing business.	Steel stitching wire.
Brooms-----	Steel wire.
Commercial blue-print and allied reproductions including white prints, and all intermediate processes and photocopy reproductions (Photostat, Rectigraph, etc.) but not photograph prints for amateurs or commercial photographs, or mass produced photographic copies for business or professional use.	All materials.
Stevedores and Stevedoring companies.	Steel wire rope, steel rods, steel nails, steel angles, other steel in controlled material form and steel metal strapping needed for lashing cargoes only.
Paperboard products. All persons conducting businesses listed in Schedule A.	Steel stitching wire. Aluminum foil (plain, printed, embossed, laminated or otherwise processed) for their own use for wrapping purposes.

NOTE: Processed foil (printed, laminated, embossed, etc., is a Class B product, and manufacturers of it must obtain their requirements of plain foil by filing Form CMP-4B with the WPB. They may not use their customer's, or their own, MRO symbol to get plain foil.

(b) Such purchases need not be charged to the purchaser's MRO quota under CMP Regulation No. 5, or other WPB order assigning blanket MRO ratings (as defined in Priorities Regulation No. 3).

(c) This direction supersedes Directions 2, 4, 16, 19 and 22 to CMP Regulation 5.

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17703; Filed, Nov. 18, 1944;
11:26 a. m.]

PART 3270—CONTAINERS

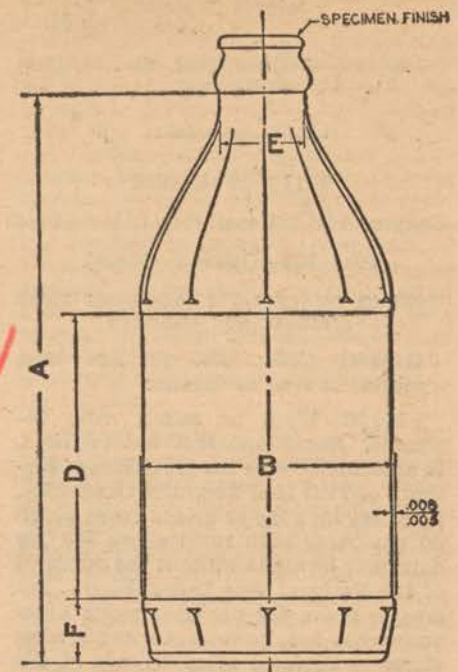
[Limitation Order L-103 as Amended June 10, 1944, Amdt. 1]

GLASS CONTAINER AND CLOSURE SIMPLIFICATION

Section 3270.46 Limitation Order L-103 is amended by adding at the end thereof a drawing entitled "Round Food

Line Bottle" and various notes which shall appear as follows:

DRAWING NO. 19—ROUND FOOD LINE BOTTLE



ROUND FOOD LINE BOTTLE

EXHIBIT SERIES 54-00

Exhibit	Overflow capacity (oz.)	Maximum weight (oz.)	A	B, Max.	F	D	E	Finish size
54-52-----	17½	10½	6¼	3½	¾	3¼	1	26-2410
54-64-----	25¾	14	7¼	3¾	¾	3¾	1	26-2410
54-77-----	34	17	8¾	4¾	¾	4¾	1	26-2410

NOTES

1. Finishes are interchangeable in accordance with provisions of the order.
2. When lower glass weights are used, adjustment to make correct capacity shall be made in the B dimension.
3. Profiles similar to that illustrated shall be maintained for the above exhibits consistent with the F and D dimensions. A label recess must be maintained.
4. Bottles shall be fluted as shown.
5. Container shall be round.
6. Bottom stippling optional.

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17698; Filed, Nov. 18, 1944;
11:24 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-103, Schedule C, as Amended Nov. 18, 1944]

GLASS CONTAINER AND CLOSURE SIMPLIFICATION; GLASS CONTAINERS FOR CERTAIN FOOD PRODUCTS

§ 3270.49 Schedule C to Limitation Order L-103—(a) Definition. For the purposes of this schedule:

"Standard glass container" means any container constructed in accordance with the specifications and design prescribed by any exhibit set forth in Drawings 1 to 15, inclusive, and Drawing 19, annexed to Order L-103, which possesses the finish prescribed for such exhibit or, subject to the provisions of paragraph (b) (2) hereof, any other finish which is interchanged therewith in accordance with paragraph (g) of Limitation Order L-103.

(Note that in accordance with the footnotes to Drawings 7, 8, 9 and 13 glass containers conforming to the specifications of the following exhibits constitute "standard glass containers" for the purposes of this schedule only if they are manufactured before December 20, 1943—16-80, 16-81, 17-09, 17-11, 17-22, 17-76, 18-08, 18-14, 51-87, 51-89, 51-93, 51-95, 51-97, 51-99.)

(b) Restrictions on use. (1) With the exceptions set forth in paragraph (c) of this schedule, on and after July 4, 1943, no person shall use a glass container for the packing for sale of any product listed in the annexed table, except a standard glass container, having a capacity equal to or greater than that specified for such product in column II of said table.

(2) Notwithstanding the provisions of paragraph (g) of Order L-103, no person

shall use for the packing for sale of any product listed in the table annexed to this schedule any glass container with a "deep screw cap" finish, except as specifically permitted by an exhibit authorized for such product.

(c) *Exceptions.* (1) Nothing in this schedule shall prevent the use, for the packing of any product listed in the annexed table, of any glass containers which were completely manufactured before the 4th day of July 1943.

(2) Nothing in this schedule shall restrict the sale, delivery, use or manufacture of glass containers with a capacity larger than 140 fluid ounces, of designs that existed on May 11, 1942.

(3) Nothing in this schedule shall prohibit any person who packed less than a total of 5,000 containers with all of the products listed in the annexed table during the calendar year 1942 from purchasing, accepting delivery of, or using without restriction, during any subsequent calendar year, a maximum of 5,000 glass containers for packing such products.

(4) Except as specifically permitted by the drawings and exhibits annexed to Order L-103 molded lettering or decoration on standard glass containers for the respective products listed in said table shall be limited to the manufacturers' identification (which may include trademark, name, symbol), place of manufacture, date of manufacture by year, design number, and mold or cavity number.

(d) *Manufacture.* (1) No person shall manufacture, sell, or deliver any glass container which he knows, or has reason to believe, will be used in violation of any provision of this schedule.

(2) On and after the 5th day of April 1943, no molds may be manufactured for a container for any of the products listed in the annexed table which does not conform to the specifications of a standard glass container usable for such product, nor may any mold for a container for a product listed in the annexed table be replaced—whether because of wear or for any other reason—except by a mold which conforms to said specifications.

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE

I. Product		II. Minimum overflow capacity in fluid ounces	
1. Fruit butter.....	12		
2. Preserves.....	12		
3. Jelly.....	19		
4. Salad dressings (including products using salad dressing as a base)....	18		
5. Olive oil.....	2		
6. Edible oils (other than olive oil)....	16		
7. Shortenings.....	20		
8. Maple syrup.....	12		
9. Syrups (except chocolate and maple), including blended, bottlers, cane, corn, molasses, sorghum, malt, and fountain syrups.....	16		
10. Chocolate syrup.....	18		
11. Tomato catsup.....	12		

I. Product		II. Minimum overflow capacity in fluid ounces	
12. Chili sauce and cocktail sauce.....	10		
13. Tomato paste Not less than 25% by weight dry tomato solids.....	18		
14. Tomato pulp and puree Not less than 10.7% (specific gravity 1.045) or more than 25% by weight dry tomato solids.....	12		
15. Vinegar.....	16		
16. Fruits and vegetables and mixtures thereof, including ripe olives, but excluding cranberries and maraschino cherries.....	16		
17. Honey.....	16		
18. Pickles and relishes.....	18		
19. Peanut butter.....	18		
20. Fruit and vegetable juices and mixtures thereof.....	12		
21. Olives, green.....	5		
22. Maraschino cherries.....	7		
23. Cranberries and cranberry sauce.....	18		
24. Mustard, including, but not limited to, prepared mustard, horseradish mustard, compound mustard, and imitation mustard.....	6		

¹ Any tumbler may be used (in addition to standard) for packing the applicable product provided:

(i) Such tumbler was made from a mold that was actually in existence on or before April 5, 1943;

(ii) Such tumbler has no larger than a 70 mm. finish;

(iii) The capacity of such tumbler is no less than 8 fl. oz. and no greater than 9% fl. oz.

² Until completion of the 1943 packing season for tomato catsup, any bottle of a design previously used for tomato catsup may be used therefor, in addition to the specified standards, provided:

(i) Said bottle was made from a mold actually in existence on April 5, 1943;

(ii) Such bottle is made to hold 14 oz. by weight of tomato catsup;

(iii) The height of such bottle to the "fill point" does not exceed 7 1/2 inches.

After completion of 1943 tomato catsup packing season, only the containers permitted for said product pursuant to paragraph (b) (1) of this schedule may be used.

³ Standard glass containers having a capacity equal to or greater than 3 oz. (and less than 5 oz.) may be used for olives, and standard glass containers having a capacity equal to or greater than 4 oz. (and less than 7 oz.) may be used for maraschino cherries, provided these containers were completely manufactured on or before December 20, 1943.

⁴ Nothing in this schedule shall prevent the use for the packing of mustard of any glass container which was completely manufactured before June 20, 1944.

[F. R. Doc. 44-17699; Filed, Nov. 18, 1944; 11:26 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-221, as Amended Nov. 18, 1944]

TEXTILE BAGS

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of textile bags for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3270.23 Conservation Order M-221—(a) *Definitions.* For the purposes of this order:

(1) "Textile bag" means any hand or machine sewed bag made for commercially packing, storing or shipping some commodity and manufactured of cotton, burlap or other textile fabric including open mesh fabrics woven from cotton or twisted paper yarns, but excepting bags made from flannel, shopping bags, carry-out bags and combination textile-paper bags (bags made of textile laminated with paper).

(2) "New textile bag" means any textile bag when neither the fabric nor the bag has been previously used.

(3) "Used textile bag" means any textile bag when the bag or the fabric has been previously used.

(4) "Bag maker" means any person engaged in the business of manufacturing new textile bags.

(5) "Dealer" means any person whose principal business is that of buying, selling, or reconditioning empty textile bags.

(6) "User" means any person who acquired 500 or more empty new or used textile bags for use in his business during 1942 or who acquires such amount during any subsequent calendar year.

(7) "Commercial emptier" means any person who in the preceding three months acquired in his business and emptied 400 filled textile bags.

(8) "Export" means any shipment from the United States (the 48 states, the District of Columbia, the territories, the island possessions of the United States and the Panama Canal Zone).

(9) "Agricultural products" includes, but is not limited to, beans; chocolate; coffee; cotton; feed; flour; fruits; grain; meal; nuts; potatoes; poultry grits; rice; salt; seeds; starch; sugar; tobacco; vegetables.

General Restrictions for All Persons

(b) *Joint responsibility.* No person shall deliver textile bags to any other person if he has reason to believe that the other person is not entitled to accept them under the provisions of this order or that they will be used for any purpose prohibited by this order.

(c) [Deleted Nov. 18, 1944.]

(d) [Deleted Nov. 18, 1944.]

(e) *Size changing.* Except for the purpose of making bags of other sizes, no dealer, user or commercial emptier shall convert any burlap or jute bag into a sheet, sewed burlap or bale covering while it has a commercial use as a bag, with or without mending.

(f) *Processing of used bags for sale.* No dealer, user, or commercial emptier shall sell or deliver any used textile bag to any person for his own use unless the bag has been processed and repaired and all holes, including trier or probe holes, properly mended or patched. Nothing in this paragraph shall prevent the delivery of any bag for the purpose of repair or

delivery to the owner. For the purposes of this provision, "process" means to clean a used textile bag by washing, vacuuming, or any other method sufficient to prepare the bag for further re-use.

(g) [Deleted Nov. 18, 1944.]

(h) *Export of empty bags.* No permission from the War Production Board is necessary to export empty new or used textile bags. The War Production Board has assigned an export quota to the Foreign Economic Administration and no person may export such bags to any destination other than Canada unless authorized by the Foreign Economic Administration. Applications for export licenses should be sent to the Foreign Economic Administration, Bureau of Supplies, Requirements & Supply Branch, Washington 25, D. C. General information and instructions for export are contained in the Comprehensive Export Schedule issued by the Foreign Economic Administration.

Additional Restrictions for Bag Makers

(1) *Prohibited practices.* No bag maker shall overstretch the raw edge or selvage edge of any new cotton textile bag or manufacture any bag in a manner that wastes material, as for example, with a false seam that enables the bag to be packed with a lesser amount of any of the commodities listed in paragraph (j) than its normal capacity.

(j) *Bag sizes for certain commodities—*

(1) *Sizes permitted.* No bag maker shall manufacture any new textile bag designed for packing any commodity listed below, except in any size of more than 100 lbs. or in any of the sizes specified below for that commodity:

Bag designed for packing commodity specified	Bag size (net weight capacity unless otherwise specified)
(1)	(2)
Beans.....	2-5-10-25-50-100 lbs.
Cement (standard portland).....	94 lbs.
Flour (milled wheat) ¹	2-5-10-25-50-100 lbs.
Meal.....	2-5-10-25-50-100 lbs.
Plaster (gypsum).....	2-5-10-25-50-100 lbs. (gross weight).
Potatoes ²	2-5-10-15-25-50-100 lbs.
Processed feed (mixed, mill).....	2-5-10-25-50-100 lbs.
Rice.....	2-3-5-10-15-25-50-100 lbs.
Salt.....	2-4-10-25-50-60-100 lbs.
Seeds.....	2-5-10-25-50-100 lbs. 1, 2 bu. ³
Starch (corn).....	2-5-10-25-50-100 lbs.
Sugar (refined cane, beet).....	2-5-10-25-50-100 lbs.

¹ "Flour (milled wheat)" means any flour product produced by milling wheat, including blends of wheat flours and bleached, promoted, enriched phosphated, and self-rising flours, but excluding durum wheat products (semolina), farina, pancake flour, and cake flour.

² These restrictions do not apply to open mesh bags used for packing potatoes.

³ Additional sizes are permitted as follows: ¾ bu. of hybrid seed corn; 3 bu. for cotton seed.

(2) *Exception for export.* The size restrictions of paragraph (j) (1) above shall not apply to the manufacture of bags to be exported empty or filled.

Additional Restrictions for Commercial Emptiers

(k) *Emptying bags.* No commercial emptier shall remove the contents of any textile bag except by opening the closure,

unless the contents have become so caked or solidified that salvage of the bag is not practicable.

(1) *Time-limit on holding empty bags.* Within 60 days after emptying any number of textile bags, a commercial emptier shall use, or transfer to dealers or users, an equal number of empty used textile bags from his inventory. Such disposition may be deferred beyond the 60-day period in the following cases:

(1) *Seasonal re-use.* If the commercial emptier needs the bags for packing a seasonal product (whether or not produced by him), he may retain them until the product becomes available for packing, subject, however, to the inventory restriction of paragraph (m) below.

(2) *Carload accumulation.* If, in accordance with his past practice, the commercial emptier wishes to accumulate a carload quantity of such bags for return to users for further packing of the kind of product last packed in them, he may retain such bags until he has accumulated a carload quantity.

Additional Restrictions for Users

(m) *Inventory restriction.* No user shall accept delivery of any empty new or used textile bags at a time when, or when by virtue of the delivery, his inventory of new or used empty textile bags is or will be in excess of a practical minimum working inventory for the uses which are not prohibited by this order. Except in the case of bags required by a user for packing a seasonal product (whether or not produced by him), such inventory shall not exceed the aggregate number of new or used empty textile bags which will be required to carry on his business during the next sixty days.

(n) *Bags to be fully packed.* No user shall use a bag, for packing any number of pounds of any of the commodities listed in paragraph (j), that is larger than the bag customarily used by the trade for packing that number of pounds of that commodity.

(o) *Restrictions on use of new Calcutta wheat bags.* During 1944 and each succeeding calendar year, new Calcutta wheat bags shall be used only for packing wheat or small grains and only in the states of Arizona, California, Idaho, Montana, Oregon, Utah and Washington.

(p) *Products permitted for new burlap bags.* No user shall use any new textile bag made of burlap for packing fish meal, fish scrap, tankage, meat scraps or for any purpose other than the packing of the following permitted products: agricultural products; crushed oyster shells; fertilizer; meat; mohair; petroleum waxes; stearic acid; wool or wool products; or chemicals for export. These restrictions do not apply to surplus new military sand bags which may be used to pack any product.

(q) *Products permitted for new cotton bags and open mesh bags made of cotton or twisted paper yarn.* No user shall use any new textile bag made of cotton,

or open mesh bag made of cotton or twisted paper yarn for packing fish meal, fish scrap, tankage, meat scraps or for any purpose other than the packing of the following permitted products: agricultural products; chemicals; cement; coins; currency; fertilizer; glue; gypsum; malt; meat; abrasives; paste; plaster; samples; sand; securities; shell fish; small parts; tire chains; or such other uses as may be authorized by the War Production Board in writing. Applications for such authorizations should be made on Form WPB-1319, which is to be filed in accordance with the instructions for its use. Applications will be considered only on the basis of the essential need for new cotton bags, the availability of the supply, and the availability of used cotton bags or substitute containers. The application form and the instructions may be obtained at all War Production Board offices.

(r) *Mohair bags.* No user shall use any new or used textile bag for packing mohair unless the word "mohair" appears in legible type on both sides of the bag.

(s) *Use of wool bags.* Wool bags shall be used only for packing or wrapping wool or wool products. A "wool bag" is any new or used textile bag, made of burlap between 5½ and 7½ feet in length, ordinarily used to package wool. Such bag shall not be considered a wool bag when no longer capable of carrying any of the following: fleece wools, grease wools, pulled wools, scoured wools, nolls, wool wastes or mohair.

(t) *Bags for certain Government agencies.* The restrictions of this order shall not apply (1) to textile bags manufactured to meet the packaging specifications of, and for delivery to or for the account of, the Government agencies listed below, or (2) to textile bags for delivery of a product for the account of any of the listed agencies, provided the packing specifications call for textile bags, or (3) to the purchase, acceptance, use or export of textile bags by these agencies; Army, Navy, United States Post Office, Federal Reserve System; United States Treasury Department, any agency procuring for delivery pursuant to the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), Veterans' Administration and Maritime Commission or War Shipping Administration of the United States (including persons operating vessels for such Commission or Administration for use thereon and other persons who have been assigned a preference rating for textile bags on Form WPB-646 (formerly PD-300).

(t-1) *Exception for mailing bags.* The provisions of this order shall not apply to any textile bag which is pur-

chased or used for commercial shipment of articles in the United States mails. In any case where a textile bag which was purchased for such mailing purposes is not used for those purposes, then the use of the bag is subject to the provisions of this order.

(u) *Certification.* No person shall sell or deliver any new textile bags in quantities of over 1,000 unless he has received from the purchaser a certificate signed manually or as provided in Priorities Regulation 7. This certificate shall be in substantially the following form, and, once filed by a purchaser with a supplier, covers all future deliveries from the supplier to that purchaser:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-221 of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned, will be in compliance with the order, as amended from time to time.

Miscellaneous Provisions

(v) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington (25), D. C., Ref: M-221.

(w) *Appeals.* Appeals from Order M-221 shall be filed by addressing a letter to the War Production Board, Containers Division, Washington (25), D. C., Ref: M-221.

The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provision appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

(x) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(y) *Budget approval.* The reporting requirements set forth in paragraph (q) of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(z) *Other reports.* All persons affected by this order shall execute and file with the War Production Board, such other reports and questionnaires as said Board shall from time to time request subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(aa) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any person may be

prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17705; Filed, Nov. 18, 1944;
11:27 a. m.]

PART 3281—PULP AND PAPER

[Limitation Order L-120 as Amended Nov. 18, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of wood pulp and other materials and facilities used in the manufacture and distribution of paper, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3281.15 Limitation Order L-120—

(a) *Issuance of schedules for the standardization and simplification of paper.* War Production Board may from time to time issue schedules prescribing simplified and standardized practices and specifications for the manufacture, put up and manufacturer's packaging of paper, with particular respect to grades, weights, sizes, colors, coatings, finish, furnish, markings, minimum manufacturing quantities, quantity of sheets per unit, size and shape of roll or pack, and other detail or condition of manufacture, put up or manufacturer's packaging. From and after the effective date of any such schedule, and until such schedule may expire by its own terms or be revoked by the War Production Board, no person shall manufacture any paper with respect to which such schedule prescribes such practices or specifications otherwise than according to such practices and specifications.

(b) *Appeals.* Any appeal from the provisions of this order or of any schedule hereto shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal. Regardless of the provisions of Priorities Regulation No. 16 no statement with respect to manpower information on Form WPB-3820 (or letter explaining why that form is not filed) need accompany an appeal from this order.

(c) *Applicability of regulations.* This order and all transactions affected by this order or any Schedule hereto are subject to all applicable regulations of the War Production Board, as amended from time to time, except to the extent of any inconsistency, in which event the provisions of this order or of such schedule shall govern.

(d) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless oth-

erwise directed, be addressed to: War Production Board, Pulp and Paper Division, Washington 25, D. C. Ref: L-120.

(e) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17700; Filed, Nov. 18, 1944;
11:26 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Direction 6, as Amended Nov. 18, 1944¹]

SET-ASIDE OF CERTAIN HARDWOOD LUMBER FOR MILITARY ORDERS

The following amended direction is issued pursuant to Order L-335:

(a) *Who this direction applies to.* This direction applies to every sawmill which currently produces 5,000 or more board feet of hardwood lumber per average day of eight hours of continuous operation or which produced an average of 5,000 or more board feet of hardwood lumber per day during the days from June 3, 1943 to December 3, 1943 on which it was in operation.

(b) *Prohibition against sale, delivery or transfer of certain grades and species of hardwood lumber except on orders of Central Procuring Agency.* After the 23d of November, 1944 every sawmill included in paragraph (a) above is prohibited from selling, transferring or delivering to consumers or distributors any 5/4 or 6/4 #1 common and better white oak including WEND, red oak, birch, beech, pecan, rock elm, hard maple and tough white ash except on orders covered by Memorandum of Purchase issued by the Central Procuring Agency, Procurement Division of the United States Corps of Engineers on ED form 526, commonly known as "Purchase Allocation", or as permitted as result of an appeal filed with the War Production Board, in accordance with the provisions of paragraph (y) (9) of Order L-335. The provisions of this direction are not to be construed as prohibiting sales, transfers or deliveries of lumber between sawmills nor does it restrict the transfer of white ash to ash specialists under Direction 11 of L-335. However, white ash specialists in selling, transferring or delivering white ash to consumers and distributors must comply with the above provisions of this direction.

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17701; Filed, Nov. 18, 1944;
11:26 a. m.]

¹ The subject matter of this direction prior to this amendment is now a part of Direction No. 7.

PART 3285—LUMBER AND LUMBER PRODUCTS
[Order L-335, Direction 7, as Amended Nov. 18, 1944]

DELIVERIES OF CERTAIN LUMBER ON UNCERTIFIED AND UNRATED ORDERS

Direction No. 7 to Order L-335 is hereby amended to read as follows:

(a) *What this direction does.* This direction now includes the subject matter formerly covered by Directions 6 and 7 prior to November 18, 1944. It permits lumber not controlled by Directions 1 through 6 and certain grades in the species that are controlled by Directions 1 through 6 to move on uncertified and unrated orders provided such delivery does not interfere with the filling of certified orders. Receipts of such lumber by any person on uncertified orders is also authorized.

(b) *Delivery and receipt of graded or mill run lumber.* Any sawmill or any distributor that accumulates #4 or lower grades of Douglas fir, or E grade Douglas fir, #4 or lower grades of Southern yellow pine, #4 or lower grades of Western hemlock, or E grade Western hemlock, #4 or lower grades of Sitka spruce, redwood dunnage, or #3 or lower grades of cypress, and who has not been offered certified orders for such lumber is authorized to deliver that lumber on uncertified and unrated orders to any person.

(c) *Sawmill delivery of lumber which is not included in Directions 1 through 6.* Any sawmill that produces lumber, the delivery of which is not controlled by Directions 1 through 6 may deliver that lumber to any person on uncertified orders provided such delivery does not interfere with the filling of a certified order.

(d) *Delivery of lumber by a distributor who gets it on uncertified orders.* Any lumber distributor that receives lumber on an uncertified order may in turn deliver that lumber to any person on uncertified and unrated orders provided such delivery does not interfere with the filling of a certified order.

(e) *Deliveries and receipts of culls and rejects.* Any lumber supplier may deliver culls and rejects on uncertified and unrated orders, and any lumber distributor or consumer may receive culls and rejects. However, no lumber may be treated as cull and reject under this direction if the supplier charges more than 85 percent of the price allowed him by the Office of Price Administration for the lowest standard grade of the same species. No person need charge receipt of such lumber against the amount he is authorized to receive under Order L-335.

(f) *Receipt of lumber on uncertified orders need not be charged against authorization.* Receipt of any lumber on uncertified and unrated orders by any person need not be charged against the amount of lumber that he has been authorized on forms WPB-3640, WPB-2896, or WPB-2896.1 to receive under Order L-335.

(g) *Deliveries and receipts of lumber to the extent permitted by this direction are authorized notwithstanding the provisions of Order L-335 or the provisions of any other directions issued thereunder.*

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17702; Filed, Nov. 18, 1944; 11:26 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-187, Revocation]

SUNN HEMP AND SUNN HEMP PRODUCTS
Section 3290.236 Conservation Order M-187 is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under Conservation Order M-187.

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17704; Filed, Nov. 18, 1944; 11:26 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-284, Revocation]

FLAX FIBER

Section 3290.226 Conservation Order M-284 is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under Conservation Order M-284.

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17706; Filed, Nov. 18, 1944; 11:27 a. m.]

PART 3900—SPECIAL ORDERS APPLICABLE TO THE TERRITORY OF HAWAII

[Territory of Hawaii Order THO-1]

REVOCATION OF CERTAIN HAWAIIAN WAR PRODUCTION BOARD REGULATIONS

§ 3900.1 *Territory of Hawaii Order THO-1.* (a) Hawaiian Regulation No. 5, issued November 9, 1943; Hawaiian Regulation No. 7, issued November 20, 1943; and Hawaiian Regulation No. 11, issued February 15, 1944 are hereby revoked.

(b) This revocation does not affect any liabilities incurred under the regulations revoked by this order.

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By JAMES F. MCINDOE,
Regional Priorities Manager,
Region No. 10.

[F. R. Doc. 44-17694; Filed, Nov. 18, 1944; 11:23 a. m.]

PART 3900—SPECIAL ORDERS APPLICABLE TO THE TERRITORY OF HAWAII

[Territory of Hawaii Order THO-2]

LIMITATION ON CONSTRUCTION

War requirements of the United States have created a shortage of all construction materials and equipment as well as labor and transportation for construction within the Territory of Hawaii, and the following order is deemed necessary and appropriate in the public interest and for the promotion of the national defense to conserve scarce materials by allocating them to essential uses and restricting their use in nonessential construction.

§ 3900.2 *Territory of Hawaii Order THO-2—(a) Limitation on construction.* War Production Board Conservation Order L-41, as amended July 27,

1943 (8 F.R. 10496), shall be in full force and effect within the Territory of Hawaii.

(b) *Amendments of Order L-41 have no effect.* The provisions of all amendments to War Production Board Conservation Order L-41 issued subsequent to July 27, 1943, are hereby suspended within the Territory of Hawaii, whether heretofore or hereafter issued.

(c) The provisions of this order do not affect any liabilities incurred under War Production Board Conservation Order L-41 and amendments thereto in effect prior to this order.

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By JAMES F. MCINDOE,
Regional Priorities Manager,
Region 10.

[F. R. Doc. 44-17695; Filed Nov. 18, 1944; 11:24 a. m.]

PART 3900—SPECIAL ORDERS APPLICABLE TO THE TERRITORY OF HAWAII

[Territory of Hawaii Order THO-3]

TRANSFERS OF LUMBER

The war requirements of the United States have created a shortage of lumber within the Territory of Hawaii and it is in the public interest and for the promotion of the national defense that lumber be allocated within the Territory of Hawaii, therefore, the following order is issued:

§ 3900.3 *Territory of Hawaii Order THO-3—(a) Effect of other WPB orders.* All transactions in lumber within the Territory of Hawaii shall be governed by this order (THO-3). The provisions of any other order or regulation of the War Production Board which provisions deal with the sale, transfer, delivery, withdrawal from inventory, purchase or acceptance of lumber, as defined in this order, shall be suspended within the Territory of Hawaii whether heretofore or hereafter issued, so long as this order shall remain in effect.

(b) *Revocation of Hawaii Regulation No. 9.* Hawaii Regulation No. 9 issued September 15, 1944, is hereby revoked, provided that this revocation shall not affect any liabilities incurred under the regulation hereby revoked.

(c) *Definitions.* For the purpose of this order the following definition shall control:

(1) "Lumber" means any sawed lumber (including but not limited to, shingles, lath, millwork, and plywood) of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, of any kinds or species: *Provided, however,* That it shall not include the following: box shook and cooperage, used or reclaimed lumber, and lumber produced from timber grown within the Territory of Hawaii.

(d) *Restrictions on transfer of lumber.* On and after this date no person shall sell, transfer, deliver, or withdraw from inventory and no person may purchase or receive any quantity of lumber unless specifically authorized by the War Pro-

duction Board, Honolulu District Office, on Form WPB-541 (PD-1A), WPB-547 (PD-1X), WPB-617 (PD-200), or individual letter, or by the Federal Housing Administration on Form WPB-2986 (PD-105).

(e) *Other ratings invalid.* No rating assigned by any "U", "L", or "P" order of the War Production Board or by any WPB regulation, such as CMP-5, CMP-5A, and CMP-9A, shall be valid for the purchase of lumber.

(f) *Small order exemption.* Notwithstanding the provisions of paragraphs (d) and (e) of this order, any person not on the Island of Oahu may sell, transfer, deliver, withdraw from inventory, purchase or receive, not more than \$15.00 worth of lumber in any 30-day period without specific authorization from the War Production Board.

(g) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 18th day of November, 1944.

WAR PRODUCTION BOARD,
By JAMES F. MCINDOE,
Regional Priorities Manager,
Region No. 10.

[F. R. Doc. 44-17696; Filed, Nov. 18, 1944;
11:24 a. m.]

PART 3900—SPECIAL ORDERS APPLICABLE TO THE TERRITORY OF HAWAII

[Territory of Hawaii Order THO-4]

SPECIAL RESTRICTIONS ON USE OF PREFERENCE RATINGS AND APPLICATIONS FOR PREFERENCE RATINGS

The war requirements of the United States have created a shortage of materials and equipment within the Territory of Hawaii required for the prosecution of the war, and for the purpose of controlling and conserving the supply of such materials and equipment it is deemed appropriate and necessary in the public interest and for the promotion of the national defense to make provision for the assignment of Preference Ratings to contracts, orders or deliveries by means of preference rating certificates as well as rules providing for a uniform method of application and extension of preference ratings. Therefore, the following order is issued:

§ 3900.4 *Territory of Hawaii Order THO-4—(a) Application forms for preference ratings must be sent to Honolulu District Office.* All applications for Civilian preference ratings for material or equipment available within the Territory of Hawaii or for material or equipment to be brought into the Territory of Hawaii in the form in which it is pur-

chased, must be originally presented to the Honolulu District Office of the War Production Board.

(b) *Preference ratings must be applied or extended only to a Hawaiian supplier.* Notwithstanding the provisions of War Production Board Priorities Regulation No. 3, no person may apply or extend preference ratings assigned on any War Production Board certificate by the Honolulu District Office of the War Production Board to other than suppliers within the Territory of Hawaii, except that a dealer may extend such a preference rating to replace an item delivered from stock prior to the effective date of this order.

(c) *Extension of ratings by suppliers.* Whenever a preference rating assigned by the Honolulu District Office of the War Production Board is extended by a supplier located within the Territory of Hawaii, each order on which the extension is applied shall, in addition to the certification specified by the War Production Board Priorities Regulation No. 3, bear a reference to the origin of the preference rating showing the War Production Board case number, the preference rating, and the date of approval thereof. Example: PD-1A, TH-1-000, AA-5, July 17, 1943, or PD-200, TH-5-000, AA-2, August 11, 1943.

(d) *Use of blanket ratings.* (1) Blanket ratings are preference ratings assigned to a certain class of persons for definite purposes, usually maintenance, repairs and operating supplies. Examples of blanket ratings are those assigned by CMP Regulations 5, 5A and 9, and Preference Rating Orders for the "U" and "P" series.

(2) Purchase orders placed under blanket ratings by persons in the Territory of Hawaii, whether for local or Mainland procurement, must be authenticated by the Honolulu District Office of the War Production Board before they are valid.

(3) Notwithstanding the provisions of paragraph (d) (2) hereof, purchase orders amounting to less than \$50.00 placed by persons in the Territory of Hawaii under blanket ratings do not require authentication by the Honolulu District Office of the War Production Board or other War Production Board authentication, but may be presented directly to the supplier by the consumer, providing a true copy of the purchase order is forwarded to the Honolulu District Office of the War Production Board within seven (7) days after placing the purchase order. Otherwise, such purchase orders are not valid.

(4) Purchase orders placed under blanket preference ratings by persons in the Territory of Hawaii for Mainland procurement shall be initially presented to the Honolulu District Office of the War Production Board for authentication. Three copies of the purchase order, signed and bearing the proper certification are required to be presented.

(e) *Relation to CMP Regulation 3.* Regardless of the provisions of paragraph (f) of CMP Regulation No. 3, any person in the Territory of Hawaii who extends a preference rating shall include on his purchase order, for purposes of

identification, the allotment number or symbol received from a customer. Example: AA-1, MRO, AA-2, W-1.

(f) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Hawaii Regulation 10 superseded.* This order supersedes Hawaii Regulation No. 10, issued February 4, 1944: *Provided, however, Liabilities incurred under such Regulation prior to the effective date of this order are not affected.*

Issued this 18th day of November 1944.

WAR PRODUCTION BOARD,
By JAMES F. MCINDOE,
Regional Priorities Manager,
Region No. 10.

[F. R. Doc. 44-17697; Filed, Nov. 18, 1944;
11:24 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 48, as Amended Nov. 20, 1944]

PURCHASES AND SALES OF CONTROLLED MATERIALS BY AN INTERMEDIARY AND A RESELLER

The following amended direction is issued pursuant to CMP Reg. 1:

(a) *What this direction does.* This direction explains how a person (who is called an "intermediary" in this direction), acting for either a seller or purchaser, can place purchase orders for steel, copper, or aluminum for direct delivery to his customer. This direction also explains how a person (called a "reseller" in this direction) can purchase steel, copper, or aluminum for his own account for resale, from a person who sells under Priorities Regulation No. 13, without accepting physical delivery of the material into a warehouse stock regularly maintained by him for such purpose. The provisions of this direction do not authorize a reseller to purchase controlled materials from a person who is regularly engaged in the business of selling such materials, such as a producer, warehouse, or distributor. A reseller may, however, purchase controlled materials owned by the Metals Reserve Company from a distributor or warehouse who is acting as an agent of the Metals Reserve Company as explained in Direction 5 to CMP Regulation No. 4.

(b) *Orders by an intermediary for direct delivery to a customer—(1) How to place orders.* An intermediary receiving an order for controlled materials may order from a supplier (who may be a producer, distributor, warehouse, reseller, or holder of idle or excess inventory) the same quantity of material for delivery as directed by the customer, but he must furnish with his own purchase order a copy of the endorsement received from the customer, including the customer's name and CMP allotment number or symbol, or a copy of the specific permission for the purchase or sale of the material granted by the War Production Board. A purchase

order so placed may, but need not, be accepted by the supplier. If accepted, it shall have the same status under War Production Board orders and regulations as if placed directly by the customer. If the supplier rejects such an order when he has material (or open space on his production schedule) available to fill it, he must immediately notify the intermediary in writing that he is prepared to fill the order direct from the intermediary's customer or through another person. If the order is accepted, the intermediary may pay the supplier for the material and, in turn, invoice his customer.

(2) *Copper producers or warehouses excluded.* This direction does not apply to copper controlled material producers or warehouses when purchasing copper as intermediaries. The procedure to be followed by a copper controlled material producer or warehouse when purchasing copper as an intermediary is described in paragraph (f) (2) of CMP Regulation No. 4, and in Direction 9 to CMP Regulation No. 1.

(c) *How a reseller purchases controlled materials.* A reseller can purchase steel, copper, or aluminum for his own account for resale from a holder of idle or excess inventory on a "special sale" as provided in Priorities Regulation No. 13. Each purchase order placed by a reseller pursuant to this Direction shall bear the standard certification contained in Priorities Regulation No. 7 and the words "Purchased for Resale in accordance with Direction 48 to CMP Regulation No. 1". A holder of idle or excess inventory who receives such an order from a reseller may fill it, but is not required to. The reseller who purchases controlled materials from a holder of idle or excess inventory in accordance with this paragraph (c) may sell the material from the holder's property if the holder is willing, or he may store it temporarily elsewhere. Such temporary storage, however, does not of itself qualify a reseller as a distributor or warehouse within the meaning of Orders M-21-b-1, M-21-b-2, M-1-j, or CMP Regulation No. 4.

(d) *Permissible deliveries by a reseller.* A reseller may sell freely to anyone if he does not have more than \$100.00 worth (at cost to the reseller) of the particular controlled material on hand at the location from which it will be sold. If the quantity of a particular controlled material owned by a reseller at one location exceeds \$100.00 in value, deliveries of such material from that location may be made only on:

(1) Authorized controlled material orders.
(2) Orders which bear the certification described in paragraph (c) (2) (v) of Priorities Regulation 13. For the purpose of this paragraph (d) (2), the sale by the reseller is treated as though a "special sale" under Priorities Regulation 13.
(3) Orders bearing the CMP allotment symbol Z-1.

(4) Orders for idle or excess material received from distributors or warehouses for shipment to their stock. A distributor or warehouse may order controlled materials from a reseller under the same rules as when he orders them from a holder of idle or excess inventory under Priorities Regulation No. 13.

(5) Orders received from an intermediary placed in accordance with paragraph (b) (1) of this direction which the reseller would otherwise be permitted to fill if the orders were placed direct with him by the intermediary's customer.

(6) Orders specifically authorized by the War Production Board. If a reseller is authorized to deliver controlled materials to a buyer pursuant to this paragraph (d) (6), the buyer does not have to charge against his allotment account the amount of controlled materials bought from the reseller under such special authority. To obtain an authorization to sell within the continental limits of

the United States, the reseller should apply in person, or by writing or wiring to the Regional Office of the War Production Board in the Region in which the material is located. For permission to sell controlled material for export, application should be made direct to the Steel, Copper, or Aluminum Division, War Production Board, Washington 25, D. C., depending on the material to be sold. The reseller should give full details, including the user's name and address, the size, shape, analysis, specifications, location, and quantity of the material, and the purpose for which it will be used.

The reseller may not replace any controlled material delivered under this paragraph (d) by using any CMP allotment symbol or certification given to him by his customer. Sales of controlled materials from one reseller to another may be made only in accordance with paragraph (d) (6) of this direction, and any controlled materials purchased by one reseller from another must be sold by the latter only in accordance with the terms of this direction.

(e) *Sixty day time limit on sales by resellers.* If any controlled materials purchased by a reseller under this direction are not sold at the end of 60 days from the date of purchase, deliveries of any such materials remaining may be made by the reseller only in accordance with paragraph (d) (6) of this direction.

(f) *Complete records required.* As required by Priorities Regulation No. 1, an intermediary or a reseller must retain in his files for at least two years adequate records of all transactions under this direction, including all purchase orders received from his customer, all authorizations received from the War Production Board, etc.

NOTE: The record keeping and reporting provisions of this direction have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 20th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17750; Filed, Nov. 20, 1944;
11:30 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[Supplementary Limitation Order L-7-c, as
Amended Nov. 20, 1944]

DOMESTIC ICE REFRIGERATORS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other critical materials used in the production of Domestic Ice Refrigerators for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.16 *Supplementary Limitation Order L-7-c—(a) Definitions.* For the purpose of this order:

(1) "Domestic ice refrigerator" means any non-mechanical ice chest or ice box designed for home use.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(3) "Iron and steel content" means the aggregate weight of iron and carbon steel contained in a finished domestic ice refrigerator, including but not

limited to, latches, hinges, screws, nails, rivets, bolts, sheet steel, binder strips, drain tubes, drip pans and shelving.

(4) "Net ice capacity" means the maximum amount of standard scored ice which the ice chamber of a domestic ice refrigerator will hold.

(5) [Deleted June 23, 1944]

(b) *General restrictions.* (1) No person shall make any domestic ice refrigerators containing any metal other than metals used for galvanizing, plating, soldering, or coating steel except:

(i) Aluminum

(ii) Magnesium

(iii) Iron and steel (other than stainless steel, monel metal, and inconel metal).

(2) No person shall make any domestic ice refrigerator containing more than 15 pounds of galvanized steel. Other types of iron or steel, except those prohibited in paragraph (b) (1) (iii), may be used without restriction on quantity.

NOTE: Subparagraph (3) formerly subparagraph (2) redesignated, Nov. 20, 1944.

(3) (1) No person shall produce any domestic ice refrigerator except in accordance with a production quota assigned to him in a schedule issued by the War Production Board pursuant to this order. Such production quotas shall be assigned for periods of time to be specified in the schedule, and shall expire on the last day of the period for which they are assigned. Any person desiring to obtain a production quota shall file with the War Production Board at least 30 days before the expiration date of the schedule in effect at that time a written application to be assigned a production quota for such period as the War Production Board shall specify.

(ii) Such application should contain a statement as to the amount of iron and carbon steel, and other critical materials to be contained in each domestic ice refrigerator the applicant proposes to produce during such period. Whenever production quotas are assigned by the War Production Board, it will take into consideration the amount of iron and carbon steel, and other critical materials to be used by each applicant, the extent to which the domestic ice refrigerators which each applicant proposes to produce conforms to the performance specifications contained in Appendix A attached to this order as established by tests of the National Bureau of Standards, the labor and transportation situation in the area where the plant of each applicant is located and such other factors as the War Production Board shall deem appropriate.

(iii) [Deleted, October 5, 1943.]

(c) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the War Production Board limits the use of any material in the production of domestic ice refrigerators to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(d) *Applicability of regulations.* This order (and any schedules issued pursuant

thereto) and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(e) *Avoidance of excessive inventories.* No person authorized to produce domestic ice refrigerators shall accumulate for use in the production of such domestic ice refrigerators inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order and any schedules issued pursuant thereto.

(f) *Records.* All persons affected by this order or any schedule issued pursuant thereto, shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* Each person who produces any domestic ice refrigerators shall file with the War Production Board, not later than 10 days after the end of each calendar month in which he produced any domestic ice refrigerator, a report on Form WPB-1600 (formerly Form PD-655), showing all domestic ice refrigerators which he produced during such month.

(i) *Violations.* Any person who willfully violates any provision of this order, or of any schedule issued pursuant thereto, or who, in connection with this order, or any such schedule, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to produce more domestic ice refrigerators than his quota fixed under paragraph (b) (3), and any person who has no quota but who wants to produce domestic ice refrigerators, may apply for permission to do so as explained in Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order other than the restrictions of paragraph (b) (3) should be filed on Form WPB-1477 (in triplicate) with the Field Office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (b) (3).

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, or any schedule issued pursuant thereto, shall, unless otherwise directed, be ad-

ressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref.: L-7-c.

Issued this 20th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—PERFORMANCE SPECIFICATIONS FOR DOMESTIC ICE REFRIGERATORS

I. Temperature & Ice Meltage Performance

1. The refrigerator shall maintain with no load in the food compartment an average food compartment temperature of 48° F. or less and a temperature of 46.5° F. or less in the milk storage space at 60% of initial ice load with the room at an average temperature of 85° F. plus or minus 1° F.

2. The temperature at a point two inches above the bottom of the food compartment and two inches from the sidewall, located in the vertical plane perpendicularly bisecting a return air duct shall not be higher than the temperature of the air entering the return air duct. (The return air duct is defined as the duct or ducts through which the air in the refrigerator returns from the food compartment to the ice compartment.)

3. Ice meltage at 60% initial ice load for food compartment volumes between 2.75 and 5.5 cubic feet shall not exceed the value, in lbs./day, computed from the following formula:

$$M \text{ equals } 7.28 \text{ plus } 3.3V$$

where M is the ice meltage in lbs./day and V is the volume of the food compartment in cubic feet. Note: This formula applies only under the following conditions: Room temperature 85° F.; Average food compartment temperature 48° F.; and Food Compartment volumes ranging between 2.75 cubic feet and 5.5 cubic feet.

II. Construction Performance

4. Box deformation: The box shall show no permanent vertical deformation in excess of 3/16" per 8 feet of vertical elevation when subjected to a horizontal load of 350 pounds applied along one diagonal of the top from front to back with the box fastened to the floor at all four legs.

5. Door damage: The door and hinges shall show no permanent damage when the door is subjected to a vertical load of 100 pounds applied to the upper outside corner 2 inches from the outside vertical edge of the door with the door open and at an angle of 90° with the front of the box.

6. Ice shelf: The ice shelf shall be able to support a load of 200% of the normal ice load without fracturing the shelf or supports or causing permanent sagging of more than 1/16" at the center, sides and back.

7. Food shelves: Full width food shelves shall have sufficient strength to support an evenly distributed load of 50 pounds without fracturing or permanently sagging more than 1/16" at the center. Fractional width shelves around the milk storage space shall have sufficient strength to support an evenly distributed load of 25 pounds without fracturing or permanently sagging more than 1/16" at the center.

8. The back of the ice compartment shall withstand without damage an impact of 40 ft. lbs.

9. The refrigerator door shall withstand without damage to the door, hinges and latch a closing of 100 consecutive times from a fully opened position (opened through an angle of 180°) by an impact of 40 ft. lbs. applied at the center of door.

[F. R. Doc. 44-17747; Filed, Nov. 20, 1944; 11:30 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L-190, as Amended Nov. 20, 1944]

SCALES, BALANCES AND WEIGHTS

Section 3302.21 *Limitation Order L-190* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the materials used in the manufacture of scales, balances and weights for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3302.21 *Limitation Order L-190—*

(a) *Definitions.* For the purpose of this order:

(1) "Scales" means devices used for weighing persons or materials, or for grading, classifying, counting or evaluating materials in terms of weight, or the measuring of forces expressed in terms of weight. The term includes scales, balances, attachments, weights, automatic indicating elements such as, but not restricted to dials, weightographs, and automatic printers.

(2) "Weights" means objects of established weight used in connection with the operation of scales and necessary to operation or testing.

(3) "Scales for household use" includes all scales commonly used for household purposes except baby weighing, nursery or dietetic scales.

(4) "New" scales are all scales other than those which have been used, or sold, rented or lent for the purpose of being used; except that scales which have been used solely for demonstration, trial loans or emergency repair loans are "new" scales.

(5) "Class A scales" means coin-operated person weighing scales, spring type scales equipped with postal charts and having a retail list price of \$5.00 or less, and scales for household use, including bathroom and kitchen scales. (Formerly Class I)

(6) "Class B scales" means: Person weighing scales for clinical use and baby weighing or nursery scales (Formerly Class II); mailing and parcel post scales, except spring type scales equipped with postal charts and having a retail list price of \$5.00 or less (Formerly Class III); egg grading scales, milk scales, cotton beam scales, cotton spring scales, and grain sampling, grading and testing scales (Formerly Class V); and dietetic scales, graduated in the metric system for personal use by a person whose diet is regulated by a licensed physician, and prescription scales as used by prescription druggists (Formerly Class VI).

(7) "Class C scales" means cylinder type scales, fan type scales, hanging scales, and even-balance scales of the kinds, sizes and models commonly used in making sales of merchandise direct to ultimate consumers (Formerly Class VII).

(8) "Class D scales" means all scales other than those in Class A, Class B, or Class C (Formerly Class IV).

(b) *Restrictions on production.* (1) No person shall fabricate or assemble new Class A scales.

(2) No person shall fabricate or assemble any new Class B scales, except as authorized in writing by the War Production Board. Applications to produce this class of scales should be made for a total amount on Form CMP-4B addressed to the nearest field office of the War Production Board in cases where that office has processed previous applications; otherwise to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-190. In processing these applications, the War Production Board will be guided by the policy that the total production of the entire industry must not exceed the approved War Production Board program for scales, and that the production in any one plant, or labor requirements therefor, must not interfere with war production in that plant or in any other plant.

(3) No person shall fabricate or assemble during any calendar year a total dollar value of new Class C scales in excess of two-fifths of the total dollar value of such scales billed by him to customers during the calendar year 1941.

(4) No person engaged in the manufacture of scales shall maintain an inventory of new scales in Class D in excess of ten percent of the total number of such scales billed by him to his customers during the calendar year 1941.

(5) Any person who did not fabricate or assemble scales during 1941 may apply for permission to do so by letter to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-190. This letter should state what scales he wants to make and what facilities he has for this purpose. A base rate of production will be assigned on an equitable basis in view of the base rates of other persons in the industry. Materials will be allocated to the extent available, with the view of permitting production where this will not require materials, facilities, or labor needed for war purposes and will not otherwise adversely affect or interfere with production for war purposes.

(6) The restrictions of this paragraph shall not apply to the fabrication or assembly of repair or replacement parts.

(c) *Restrictions on delivery of Class D scales.* (1) Except as indicated in paragraph (c) (5), no manufacturer or dealer shall sell any new Class D scales except to fill orders approved by the War Production Board on Form WPB-2581 (approved before October 1, 1944) or on Form WPB-1319 or on Form GA-1456.

(2) When a person requests Class D scales on construction application Form WPB-617, approval will be granted on Form GA-1456. Purchase orders approved for delivery on Form GA-1456 should be accompanied by the following certification (in addition to the certification in Priorities Regulation 3):

Delivery approved on Form GA-1456 under Direction 1 to CMP Regulation No. 6.

(3) Applications for Class D scales when construction is not involved should be made on Form WPB-1319, and sent to the nearest field office of the War Production Board, Ref: L-190. Purchase orders approved for delivery on this

form should be accompanied by the following certification (in addition to the certification in Priorities Regulation 3):

Approved under Order L-190 on Form WPB-1319. Case Number _____.

(4) The person receiving a certification shall be entitled to rely on the representation unless he knows or has reason to believe it to be false.

(5) The restrictions of this paragraph (c) shall not apply:

(i) To scales having a retail sales value of less than \$50.00;

(ii) To scales which are delivered as "laboratory equipment" in accordance with the provisions of Limitation Order L-144; or

(iii) To the sale or delivery of new scales by a manufacturer to a dealer for resale by the dealer.

(6) There are no restrictions on the delivery of Class A, B or C scales.

(d) *Restrictions on types, sizes and materials.* (1) No manufacturer shall fabricate or assemble scales equipped with pans, scoops or commodity receivers of copper or copper base alloy.

(2) No manufacturer shall fabricate weights of copper or copper base alloy if such weights are of denominations of 20 grams (metric) or 1/2 ounce (avoirdupois) and over. This restriction does not apply to weights of Classes A, B, M, S and S2 as defined and recognized by the National Bureau of Standards.

(e) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time, except that notwithstanding the provisions of Priorities Regulation No. 3, orders for Class D scales must be certified in accordance with paragraph (c) of this order, as well as in accordance with the requirements of that regulation.

(f) *Reports.* Each manufacturer of scales must report on Form WPB-3495 monthly in accordance with the instructions thereon.

(g) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Exceptions and appeals.*—(1) *Production under Priorities Regulation 25.* Any person who wants to fabricate or assemble more scales than he is permitted under the provision of paragraphs (b) (1), (b) (2) and (b) (3) shall apply for permission to do so as explained in Priorities Regulation 25. The delivery restrictions of paragraph (c) apply to fabrication or assembly of all Class D scales authorized under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order other than those

included in paragraphs (b) (1), (b) (2) and (b) (3) shall be made by filing a letter in triplicate with the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-190, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Communications.* All reports to be filed hereunder, or communications concerning this order, unless otherwise directed, should be addressed to: War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-190.

(j) *Bureau of the Budget approval.* All forms used and reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 20th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17749; Filed, Nov. 20, 1944;
11:30 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L-190, Revocation of Schedules]

SCALES, BALANCES AND WEIGHTS

Section 3302.22 *Schedules of Limitation Order L-190* are hereby revoked.

Issued this 20th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17748; Filed, Nov. 20, 1944;
11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 5, Amdt. 84]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 23.1 (b) is amended to read as follows:

(b) Allotments of rationed foods for use in establishments described in this section will be given in accordance with arrangements made by the Army, Navy, Marine Corps and Coast Guard with the Washington Office of the Office of Price Administration.

This amendment shall become effective November 22, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; War Food Order Nos. 56,

*Copies may be obtained from the Office of Price Administration.

18 F.R. 10002, 11479, 11480, 11676, 12403, 12483, 12744, 14472, 15488, 16787, 17485; 9 F.R. 401, 455, 692, 1810, 2212, 2252, 2287, 2476, 2789, 3030, 3075, 3340, 3577, 3704, 4196, 4393, 4647, 4873, 5041, 5232, 5684, 5826, 5915, 6108, 6504, 6628, 7167, 7260, 7703, 7770, 8242, 8813.

58, 59, 61 and Supplement 1 thereto, and 64, 8 F.R. 2005, 2251, 3471, 7093, 9 F.R. 4319, 9134, 9389)

Issued this 18th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17687; Filed, Nov. 18, 1944;
11:21 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 11, Amdt. 19]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 4.1 (c) is amended by adding the following at the end: "The agencies or activities listed in section 1.2 (a) (2) and (3) will receive ration evidences for the purposes of this order, under arrangements made between those agencies or activities and the Washington Office."

This amendment shall become effective November 22, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., and by Pub. Law 383, 78th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; WPB Supp. Dir. 1-E, 7 F.R. 2965; WPB Supp. Dir. 1-M, 7 F.R. 8234; WPB Supp. Dir. 1-R, 7 F.R. 9684; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319; WFO No. 58, 8 F.R. 2251, 9 F.R. 4319; WFO No. 59, 8 F.R. 3471, 9 F.R. 4319; WFO No. 61, 8 F.R. 3471, 9 F.R. 4319, and Supp. 1 to WFO No. 61, 9 F.R. 9134, 9389; WFO No. 64, 8 F.R. 953, 9 F.R. 4319)

Issued this 18th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17691; Filed, Nov. 18, 1944;
11:22 a. m.]

PART 1374—FURS

[MPR 541, Amdt. 2]

RAW, DRESSED, AND DRESSED AND DYED FURS AND PELTRIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

8 F.R. 9008, 9625, 10419, 11671, 12558, 12711, 13171, 13920, 16840; 9 F.R. 848, 1053, 1751, 3076, 4010, 5374, 6628, 8986.
9 F.R. 6565, 11759.

1. Section 2 (a) (2) is amended to read as follows:

(2) Ranch mink, ranch silver fox and wild mink; and

2. Section 3 (h) is amended to read as follows:

(h) Auction company. The term "auction company" means a person who sells at auction furs or peltries owned by another person.

3. Section 3 (i) is amended to read as follows:

(i) Broker. The term "broker" means any person, other than an auction company, who sells furs or peltries owned by another person or buys furs or peltries for the account of another person.

4. Section 6 is amended to read as follows:

SEC. 6. Maximum prices for furs and peltries delivered (or sold through an auction company or broker) during the base period. The maximum price for any kind of fur or peltry, whether raw, dressed or dressed and dyed, other than the kinds of raw furs or peltries listed in section 9, shall be the highest price at which the seller delivered (or sold through an auction company or broker) during the base period the same kind of fur or peltry in the same kind of sale, except that the maximum prices for grades lower than the best grade of a kind of fur or peltry in the same kind of sale shall be in line with such highest price, making downward adjustments to

reflect the customary differentials for such lower grades and for geographical origin or section, in accordance with the seller's established base period practice.

5. Section 7 (b) is amended by deleting the last sentence thereof.

6. Section 8 is amended by inserting after the words "base period" in the text thereof the following phrase, "other than a kind of raw fur or peltry listed in Section 9" and by deleting the last sentence thereof.

7. Section 9 is deleted and a new section 9 is added to read as follows:

SEC. 9. Maximum prices for certain raw furs and peltries. (a) This section establishes maximum prices for the sale, purchase or delivery of the kinds of raw furs or peltries listed below. The specific price enumerated for a kind of raw fur or peltry applies only when the fur or peltry meets the description contained in Column II. The maximum price applicable to a sale, purchase or delivery of any other assortment or grade of any kind of raw fur or peltry listed shall be a price in line with the price enumerated for the assortment and grade described in Column II, making downward adjustments in accordance with the general practice in the trade during the base period of this regulation to reflect the customary differentials between the assortment or grade described and the assortment or grade being priced. The maximum prices determined under this paragraph include all commissions and other charges except as provided in paragraphs (c) and (d) of this section.

Column I Kind	Column II Description	Column III Net price per skin ¹
Beaver.....	Best Sections, blankets.....	\$39.70
Cats, Ring Tail.....	Best Sections, No. I or Nos. I and II.....	3.25
Fox, Gray.....	Best Sections, No. I or Nos. I and II.....	3.50
Lamb, Persian (including Russian, Afghan, and Southwest African).....	Russian Jacketry No. I and Afghan Standard Kipook.....	16.00
Marmot.....	West Mongolian, blue, No. I.....	4.00
Muskrat, Northern (including Jersey).....	Extra large or Extra large and large, No. I or Nos. I and II, Best Sections.....	2.30
Muskrat, Southern.....	Tops.....	1.77
Nutria.....	Best Sections, at least 50% 75 centimeters and up, balance 70 centimeters and up.....	6.50
Opossum, North American.....	Extra large or Extra large and large, No. I or Nos. I and II, Northern.....	.85
Raccoon, Coat Type.....	Extra large or Extra large and large, No. I or Nos. I and II, Best Sections.....	3.25
Skunk, North American.....	Extra large or Extra large and large, Prime, No. I or Nos. I and II, Northwestern.....	3.50
Squirrel, Russian and North European Type.....	Jakutsky, Lensky or Yeniseisky, No. I.....	1.35
Squirrel, North American.....	Alberta, No. I or Nos. I and II.....	.34
Weasel, North American.....	Double extra large or Double extra large and extra large, Northwestern (White or Brown).....	1.86
Wolf.....	Extra large or Extra large and large, No. I or Nos. I and II, Canadian and Montana.....	12.50

¹ The maximum prices listed are f. o. b. point of delivery to the buyer, except as provided in paragraph (b).

(b) Applicability to purchases of furs or peltries for importation into the continental United States. The maximum prices established by this section 9 apply to all purchases for importation into the continental United States. The maximum price which any purchaser may pay to any seller for any kind of raw fur or peltry listed which is to be delivered to the purchaser from a point outside the continental United States shall be the applicable maximum price determined under paragraph (a) of this section.

tion, ex dock United States port of entry, duty paid.

(c) Credit charges. In the event that the purchaser requests the seller to extend credit in connection with a purchase of the kinds of raw furs or peltries listed in paragraph (a) above, the seller may make a charge for such extension of credit in addition to the applicable maximum price. Such charge may not exceed the seller's customary charge for credit during the base period or 6% per annum, whichever is lower.

(d) *Commissions and other charges*—
(1) *Brokerage charges*. In the event that a broker is employed to buy raw furs or peltries of the kinds listed in paragraph (a) above, on behalf of the purchaser, a commission or fee (not to exceed the maximum price permitted under Revised Maximum Price Regulation 165) may be charged for such service, and may be paid by the purchaser in addition to the applicable maximum price established by paragraph (a). In no event may a person charge or receive such a commission or fee on furs or peltries sold for his own account, or on furs or peltries purchased in excess of the permissible maximum price. Such charge shall be separately billed by the broker to the purchaser of such raw furs or peltries.

(2) *Auction charges*. If an auction company during the base period customarily made a charge to the purchaser for services rendered to the purchaser in connection with an auction sale, such a charge (not to exceed the maximum price permitted under Revised Maximum Price Regulation 165) may be made, and may be paid by the purchaser, in addition to the maximum price determined under paragraph (a), for such services rendered in connection with an auction sale of any kind of raw fur or peltry listed. In no event may the charge customarily made by the auction company for services rendered to the seller in connection with the sale be charged to the purchaser in addition to the maximum price determined under paragraph (a). In no event may an auction company charge or receive such a service fee on furs or peltries sold for its own account, or on furs or peltries sold at a price in excess of the permissible maximum price. Such charge shall be separately stated on the invoice delivered to the purchaser in connection with the purchase of such raw furs or peltries.

8. Section 14 is amended to read as follows:

SEC. 14. *Prohibitions*. (a) No person shall, for purposes of evading the price limitations set forth in this regulation, upgrade, change customary standards of grading and selection or in any way manipulate grades so as to enable the seller to secure a greater net return than could have been secured had established grading practices been continued.

(b) No seller shall make a sale of furs or peltries which is conditioned, directly or indirectly, on the purchase of any other commodity or service.

(c) No person shall, for the purpose of evading the price limitations set forth in this regulation, sell, purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, controlled by, controlling or otherwise affiliated with the seller. Any practice which is used as a device to effect a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, pre-

miums, discounts, special privileges, tying agreements, trade understandings and all similar practices.

(d) No person shall agree, offer, solicit or attempt to do any of the acts prohibited by this section.

9. Section 19 is amended to read as follows:

SEC. 19. *Appendix A: Kinds of furs or peltries.*²

Broadtail, Genuine
Cats, Civet (North American)
Cats, Lynx and Wild (North American)
Cats, Spotted (South American, including Mexican)
Cats, Ringtail
Ermine, North American (listed below as Weasel)
Ermine, (Russian)
Fitch, Black
Fitch, White
Fox, Blue
Fox, Cross
Fox, Gray
Fox, Red (North American)
Fox, Red (Russian)
Fox, White
Lamb, Indian
Lamb, Lincoln
Lamb, Mouton
Lamb, Shiraz
Lamb, Persian
Marten (European)
Marten (North American)
Muskrat (Northern, including "Jersey")
Muskrat (Southern United States)
Opossum (Australasian)
Opossum (North American)
Otter (North American, except Mexican)
Otter (South American and Mexican)
Pony (Russian)
Pony (South American)
Rabbit (North American)
Rabbit (European)
Raccoon (Coat Type)
Raccoon (Trim Type)
Skunk (North American)
Skunk (South American)
Squirrel (Russian and North European Type)
Squirrel (North American)
Weasel (North American)

10. Section 21 Appendix C is deleted from the regulation.

This amendment shall become effective November 17, 1944.

Issued this 17th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17653; Filed, Nov. 17, 1944;
3:55 p. m.]

PART 1381—SOFTWOOD LUMBER

[RMPR 161,¹ Amdt. 17]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amend-

¹ 9 F.R. 9668, 10644.

² There are other kinds of furs or peltries besides those listed in this appendix. For example, leopard, badger, monkey, etc. are each a separate kind of fur or peltry, regardless of geographical origin or section. In addition, there are other furs, such as cats, which are not included in the kind of cat furs specified. All other cats will constitute one additional kind of fur. Similarly, all other fox, all other fitch, all other ermine, etc. will each be an additional kind of fur.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In Appendix B:

Leo L. Cox, 1445 West Eleventh St., Eugene, Oregon.

O. J. Hoover, Gales Creek, Oregon.

are added to the list of "Approved scalers and graders".

This amendment shall become effective November 24, 1944.

Issued this 18th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17689; Filed, Nov. 18, 1944;
11:21 a. m.]

PART 1382—HARDWOOD LUMBER

[MPR 432,¹ Admt. 6]

NORTHERN HARDWOOD FLOORING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 432 is hereby amended in the following respects:

1. In Section 7, paragraph (c) is amended to read as follows:

(c) *Applications for adjustment*—(1) *When adjustment may be granted*. The Price Administrator may by order adjust the maximum prices established under this regulation for any seller of maple, birch and beech flooring whenever he finds that the seller's maximum prices are at such a level that (taking into account costs of production and the overall profit position of the seller) production or supply of flooring is impeded or threatened.

(2) *Factors which may be considered*. The following factors are relevant to the consideration of whether maximum prices are at such a level that production or supply of the flooring is impeded or threatened:

(i) Whether, and by what amount, the maximum price is below or above unit manufacturing costs.

(ii) Whether, and by what amount, the maximum price is below or above total unit costs.

(iii) Whether, and by what amount, the seller's current over-all profits, before income and excess profits taxes, are greater or less than his average over-all profits during a normal base period, adjusted to reflect any change from the normal base period average investment.

(iv) Whether greater efficiency in production or merchandising can be reasonably expected so that an adjustment would not be necessary.

(v) Whether the seller previously sold the particular type of flooring under consideration at a price which was below his total unit costs.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 10079, 12180; 9 F.R. 171, 4476, 7201, 11274.

(3) *Form and contents of applications.* Applications under this section must be filed in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

All applications must contain:

(i) Profit and loss statements, in the detail normally prepared by the applicant, covering the company's entire operations for the years 1936 through 1939, the last calendar or fiscal year preceding the filing of the application, the last quarter of such calendar or fiscal year and the available interim period for the current calendar or fiscal year.

(ii) Operating statements for maple, birch, and beech flooring operations only, for the last calendar or fiscal year preceding the filing of the application, the last quarter of such calendar or fiscal year and the available interim period for the current calendar or fiscal year.

(iii) A tabulation showing the production of maple, birch and beech flooring and each item within each grade for the last calendar or fiscal year preceding the filing of the application, the last quarter of such calendar or fiscal year and the available interim period for the current calendar or fiscal year.

Companies which have previously submitted any of the above-required data may omit such items from the data submitted with their applications.

2. In Article IV—Price tables—Tables 1 through 5 and Tables 7 through 11 are amended to read as follows:

NORTHERN HARDWOOD REGION

TABLE 1—HARD MAPLE FLOORING, TONGUED AND GROOVED, AND END MATCHED

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 2 1/4":		
First.....	2-16'	\$105.00
	2-5 1/2'	98.50
	7-21"	79.50
Second.....	1 1/4-16'	99.50
	1 1/4-5 1/2'	94.00
	7-21"	72.00
Second and Better.....	1 1/4-16'	102.00
Third.....	1-16'	82.00
Third and Better.....	2-16'	84.00
	1-16'	96.00
25/32 x 1 1/2":		
First.....	2-16'	90.00
	2-5 1/2'	82.50
	7-21"	57.50
Second.....	1 1/4-16'	72.50
	7-21"	52.00
Third.....	1-16'	62.50
25/32 x 2":		
First.....	2-16'	94.00
	2-5 1/2'	86.00
	7-21"	61.00
Second.....	1 1/4-16'	87.50
	1 1/4-5 1/2'	82.00
	7-21"	60.00
Third.....	1-16'	74.00
25/32 x 3/4":		
First.....	2-16'	101.00
	7-21"	76.00
Second.....	1 1/4-16'	90.00
	7-21"	66.50
Second and Better.....	1 1/4-16'	98.50
Third.....	1-16'	83.50
Third and Better.....	1-16'	93.00
33/32 x 2 1/4":		
First.....	2-16'	109.50
Second.....	1 1/4-16'	104.00
	3-16'	107.50
Second and Better.....	1 1/4-16'	106.50
Third.....	1-16'	83.50
Third and Better.....	1-16'	101.50

No. 232—3

NORTHERN HARDWOOD REGION—Continued

TABLE 1—HARD MAPLE FLOORING, TONGUED AND GROOVED, AND END MATCHED—Continued

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
33/32 x 1 1/2":		
First.....	2-16'	\$97.00
Second.....	1 1/4-16'	74.50
Third.....	1-16'	58.00
33/32 x 2":		
First.....	2-16'	101.00
Second.....	1 1/4-16'	95.00
Third.....	1-16'	79.50
33/32 x 3/4":		
First.....	2-16'	109.50
Second.....	1 1/4-16'	102.00
Second and Better.....	1 1/4-16'	106.00
Third.....	1-16'	85.50
Third and Better.....	1-16'	100.00
41/32 x 2 1/4":		
First.....	2-16'	113.50
Second.....	1 1/4-16'	107.00
Second and Better.....	1 1/4-16'	110.00
Third.....	1-16'	86.50
Third and Better.....	1-16'	105.00
41/32 x 3/4":		
First.....	2-16'	110.50
Second.....	1 1/4-16'	105.00
Second and Better.....	1 1/4-16'	107.50
Third.....	1-16'	86.50
Third and Better.....	1-16'	102.00
53/32 x 2 1/4":		
First.....	2-16'	118.50
Second.....	1 1/4-16'	110.00
Second and Better.....	1 1/4-16'	114.00
Third.....	1-16'	92.00
Third and Better.....	1-16'	109.50
53/32 x 3/4":		
First.....	2-16'	118.50
Second.....	1 1/4-16'	110.00
Second and Better.....	1 1/4-16'	114.00
Third.....	1-16'	92.00
Third and Better.....	1-16'	109.50
3/4 x 1 1/2":		
First.....	2-16'	79.50
Second.....	1 1/4-16'	67.50
Third.....	1-16'	31.00
3/8 x 2":		
First.....	2-16'	85.00
Second.....	1 1/4-16'	73.00
Third.....	1-16'	36.00
5/8 x 1 1/2":		
First.....	2-16'	76.00
Second.....	1 1/4-16'	65.50
Second and Better.....	1 1/4-16'	71.00
Third.....	1-16'	48.50
5/8 x 2 1/4":		
First.....	2-16'	92.00
Second.....	1 1/4-16'	83.50
Second and Better.....	1 1/4-16'	87.50
Third.....	1-16'	68.00

TABLE 2—JOINED HARD MAPLE FLOORING

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 2 1/4":		
First.....	2-16'	\$108.00
Second.....	1 1/4-16'	102.00
Second and Better.....	1 1/4-16'	105.00
Third.....	1-16'	83.50
Third and Better.....	1-16'	99.50
25/32 x 3/4":		
First.....	2-16'	104.50
Second.....	1 1/4-16'	99.00
Second and Better.....	1 1/4-16'	101.50
Third.....	1-16'	83.50
Third and Better.....	1-16'	97.00
33/32 x 2 1/4":		
First.....	2-16'	114.00
Second.....	1 1/4-16'	108.00
Second and Better.....	1 1/4-16'	111.00
Third.....	1-16'	87.00
Third and Better.....	1-16'	105.50
33/32 x 3/4":		
First.....	2-16'	118.00
Second.....	1 1/4-16'	112.00
Second and Better.....	1 1/4-16'	115.50
Third.....	1-16'	88.50
Third and Better.....	1-16'	109.00
25/32 x 2 1/2":		
First.....	2-16'	101.00
Second.....	1 1/4-16'	95.00

TABLE 3—BIRCH FLOORING, TONGUED AND GROOVED, AND END MATCHED

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 2 1/4":		
First.....	2-16'	\$94.50
	2-5 1/2'	88.00
	7-21"	69.50
Second.....	1 1/4-16'	88.00
	1 1/4-5 1/2'	83.00
	7-21"	69.50
Second and Better.....	1 1/4-16'	91.50
Third.....	1-16'	72.50
Third and Better.....	1-16'	85.00
25/32 x 1 1/2":		
First.....	2-16'	79.50
	2-5 1/2'	76.50
	7-21"	60.50
Second.....	1 1/4-16'	62.50
	7-21"	45.00
Third.....	1-16'	54.00
25/32 x 2":		
First.....	2-16'	79.50
Second.....	1 1/4-16'	73.50
Third.....	1-16'	61.00
25/32 x 3/4":		
First.....	2-16'	91.50
	7-21"	74.50
	1 1/4-16'	85.00
Second.....	7-21"	62.00
Second and Better.....	1 1/4-16'	88.00
Third.....	1-16'	74.00
Third and Better.....	1-16'	82.00
3/8 x 1 1/2":		
First.....	2-16'	69.50
Second.....	1 1/4-16'	57.00
Third.....	1-16'	24.50
3/8 x 2":		
First.....	2-16'	74.00
Second.....	1 1/4-16'	62.00
Third.....	1-16'	29.00
5/8 x 1 1/2":		
First.....	2-16'	66.50
Second.....	1 1/4-16'	55.50
Third.....	1-16'	40.50
5/8 x 2 1/4":		
First.....	2-16'	80.50
Second.....	1 1/4-16'	72.50
Third.....	1-16'	58.00
33/32 x 2 1/4":		
First.....	2-16'	98.50
Second.....	1 1/4-16'	92.50
Second and Better.....	1 1/4-16'	95.00
Third.....	1-16'	73.50
Third and Better.....	1-16'	89.50

TABLE 4—JOINED BIRCH FLOORING

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 3/4":		
First.....	2-16'	\$76.00
Second.....	1 1/4-16'	63.00
Third.....	1-16'	61.00

TABLE 5—BEECH FLOORING, TONGUED AND GROOVED, AND END MATCHED

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 2 1/4":		
First.....	2-16'	\$94.00
	2-5 1/2'	87.50
	8-21"	69.50
Second.....	1 1/4-16'	88.50
	1 1/4-5 1/2'	83.00
Second and Better.....	1 1/4-16'	91.50
Third.....	1-16'	72.50
	1-5 1/2'	71.00
	8-21"	52.50
Third and Better.....	1-16'	84.00
25/32 x 1 1/2":		
First.....	2-16'	80.00
	2-5 1/2'	78.00
	8-21"	49.00
Second.....	1 1/4-16'	64.00
Third.....	1-16'	55.00
25/32 x 2":		
First.....	2-16'	82.00
Second.....	1 1/4-16'	76.50
Third.....	1-16'	64.00

TABLE 5—BEECH FLOORING, TONGUED AND GROOVED, AND END MATCHED—continued

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 3 1/4":		
First.....	2-16'	\$88.50
Second.....	1 1/2-16'	84.00
Second and Better.....	1 1/2-16'	85.50
Third.....	1-16'	73.00
Third and Better.....	1-16'	79.50
5/8 x 2 1/4":		
First.....	2-16'	80.50
Second.....	1 1/2-16'	73.00
Third.....	1-16'	58.50
33/32 x 2 1/4":		
First.....	2-16'	97.00
Second.....	1 1/2-16'	92.00
Second and Better.....	1 1/2-16'	94.50
Third.....	1-16'	73.00
Third and Better.....	1-16'	87.00
33/32 x 3 1/4":		
Second and Better.....	1 1/2-16'	94.00
Third.....	1-16'	75.00

ALL REGIONS OR AREAS OTHER THAN NORTHERN, SOUTHERN, SOUTH CENTRAL AND APPALACHIAN HARDWOOD REGIONS

TABLE 7—HARD MAPLE FLOORING, TONGUED AND GROOVED, AND END MATCHED

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 2 1/4":		
First.....	2-16'	\$95.50
	2-5 1/2'	89.50
	7-21'	72.50
Second.....	1 1/2-16'	90.50
	1 1/2-5 1/2'	85.00
	7-21'	65.50
Second and Better.....	1 1/2-16'	93.00
Third.....	1-16'	74.50
	2-16'	76.50
Third and Better.....	1-16'	87.00
25/32 x 1 1/4":		
First.....	2-16'	81.50
	2-5 1/2'	75.00
	7-21'	52.50
Second.....	1 1/2-16'	66.00
	7-21'	47.50
Third.....	1-16'	57.00
25/32 x 2":		
First.....	2-16'	85.00
	2-5 1/2'	78.50
	7-21'	58.00
Second.....	1 1/2-16'	79.50
	1 1/2-5 1/2'	74.50
	7-21'	54.50
Third.....	1-16'	67.50
25/32 x 3 1/4":		
First.....	2-16'	92.00
	7-21'	69.00
Second.....	1 1/2-16'	87.00
	7-21'	60.00
Second and Better.....	1 1/2-16'	89.50
Third.....	1-16'	76.00
Third and Better.....	1-16'	84.00
33/32 x 2 1/4":		
First.....	2-16'	99.50
Second.....	1 1/2-16'	94.50
	3-16'	98.00
Second and Better.....	1 1/2-16'	97.00
Third.....	1-16'	76.00
Third and Better.....	1-16'	92.50
33/32 x 1 1/4":		
First.....	2-16'	88.00
Second.....	1 1/2-16'	68.00
Third.....	1-16'	53.00
33/32 x 2":		
First.....	2-16'	92.00
Second.....	1 1/2-16'	88.00
Third.....	1-16'	72.50
33/32 x 3 1/4":		
First.....	2-16'	99.50
Second.....	1 1/2-16'	93.00
Second and Better.....	1 1/2-16'	96.50
Third.....	1-16'	78.00
Third and Better.....	1-16'	91.00
41/32 x 2 1/4":		
First.....	2-16'	103.50
Second.....	1 1/2-16'	97.50
Second and Better.....	1 1/2-16'	100.00
Third.....	1-16'	79.00
Third and Better.....	1-16'	95.50
41/32 x 3 1/4":		
First.....	2-16'	100.50
Second.....	1 1/2-16'	95.50
Second and Better.....	1 1/2-16'	98.00
Third.....	1-16'	79.00
Third and Better.....	1-16'	93.00

TABLE 7—HARD MAPLE FLOORING, TONGUED AND GROOVED, AND END MATCHED—continued

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
53/32 x 2 1/4":		
First.....	2-16'	\$107.50
Second.....	1 1/2-16'	100.00
Second and Better.....	1 1/2-16'	104.00
Third.....	1-16'	83.50
Third and Better.....	1-16'	99.50
53/32 x 3 1/4":		
First.....	2-16'	107.50
Second.....	1 1/2-16'	100.00
Second and Better.....	1 1/2-16'	104.00
Third.....	1-16'	83.50
Third and Better.....	1-16'	99.50
3/8 x 1 1/4":		
First.....	2-16'	72.50
Second.....	1 1/2-16'	61.00
Third.....	1-16'	28.00
3/8 x 2":		
First.....	2-16'	77.50
Second.....	1 1/2-16'	66.50
Third.....	1-16'	33.00
5/8 x 1 1/4":		
First.....	2-16'	69.00
Second.....	1 1/2-16'	59.00
Second and Better.....	1 1/2-16'	64.50
Third.....	1-16'	44.00
5/8 x 2 1/4":		
First.....	2-16'	83.50
Second.....	1 1/2-16'	76.00
Second and Better.....	1 1/2-16'	79.50
Third.....	1-16'	61.50

TABLE 8—JOINTED HARD MAPLE FLOORING

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 2 1/4":		
First.....	2-16'	\$98.50
Second.....	1 1/2-16'	93.00
Second and Better.....	1 1/2-16'	95.50
Third.....	1-16'	76.00
Third and Better.....	1-16'	90.50
25/32 x 3 1/4":		
First.....	2-16'	95.00
Second.....	1 1/2-16'	90.00
Second and Better.....	1 1/2-16'	92.50
Third.....	1-16'	76.00
Third and Better.....	1-16'	88.00
33/32 x 2 1/4":		
First.....	2-16'	104.00
Second.....	1 1/2-16'	98.50
Second and Better.....	1 1/2-16'	101.00
Third.....	1-16'	79.00
Third and Better.....	1-16'	96.00
33/32 x 3 1/4":		
First.....	2-16'	107.00
Second.....	1 1/2-16'	102.00
Second and Better.....	1 1/2-16'	104.50
Third.....	1-16'	80.50
Third and Better.....	1-16'	99.50
25/32 x 2 1/2":		
Second and Better.....	1 1/2-16'	92.00
Third and Better.....	1-16'	86.00

TABLE 9—BIRCH FLOORING, TONGUED AND GROOVED, AND END MATCHED

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 2 1/4":		
First.....	2-16'	\$85.50
	2-5 1/2'	80.00
	7-21'	63.00
Second.....	1 1/2-16'	80.00
	1 1/2-5 1/2'	75.50
	7-21'	55.00
Second and Better.....	1 1/2-16'	83.00
Third.....	1-16'	66.00
Third and Better.....	1-16'	77.50
25/32 x 1 1/4":		
First.....	2-16'	72.50
	2-5 1/2'	69.50
	7-21'	46.00
Second.....	1 1/2-16'	57.00
	1 1/2-5 1/2'	41.00
	7-21'	49.00
Third.....	1-16'	49.00
25/32 x 2":		
First.....	2-16'	72.50
Second.....	1 1/2-16'	67.00
Third.....	1-16'	55.50

TABLE 9—BIRCH FLOORING, TONGUED AND GROOVED, AND END MATCHED—continued

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 3 1/4":		
First.....	2-16'	\$83.00
	7-21'	68.00
Second.....	1 1/2-16'	77.50
	7-21'	56.50
Second and Better.....	1 1/2-16'	80.00
Third.....	1-16'	67.50
Third and Better.....	1-16'	74.50
3/8 x 1 1/4":		
First.....	2-16'	63.00
Second.....	1 1/2-16'	52.00
Third.....	1-16'	22.50
3/8 x 2":		
First.....	2-16'	67.50
Second.....	1 1/2-16'	56.50
Third.....	1-16'	26.50
5/8 x 1 1/4":		
First.....	2-16'	60.00
Second.....	1 1/2-16'	50.50
Third.....	1-16'	36.50
5/8 x 2 1/4":		
First.....	2-16'	73.50
Second.....	1 1/2-16'	66.00
Third.....	1-16'	53.00
33/32 x 2 1/4":		
First.....	2-16'	89.50
Second.....	1 1/2-16'	84.00
Second and Better.....	1 1/2-16'	86.00
Third.....	1-16'	67.00
Third and Better.....	1-16'	81.00

TABLE 10—JOINTED BIRCH FLOORING

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 3 1/2":		
First.....	2-16'	\$69.00
Second.....	1 1/2-16'	57.50
Third.....	1-16'	55.50

TABLE 11—BEECH FLOORING, TONGUED AND GROOVED, AND END MATCHED

Thickness, width and grade	Lengths	Maximum price per M ² B ² M
25/32 x 2 1/4":		
First.....	2-16'	\$85.00
	2-5 1/2'	79.50
	8-21'	63.00
Second.....	1 1/2-16'	80.50
	1 1/2-5 1/2'	75.50
Second and Better.....	1 1/2-16'	83.00
Third.....	1-16'	66.00
	1-5 1/2'	64.50
Third and Better.....	8-21'	48.00
	1-16'	76.50
25/32 x 1 1/4":		
First.....	2-16'	73.00
	2-5 1/2'	71.00
	8-21'	44.50
Second.....	1 1/2-16'	58.00
Third.....	1-16'	50.00
25/32 x 2":		
First.....	2-16'	74.50
Second.....	1 1/2-16'	69.50
Third.....	1-16'	58.00
25/32 x 3 1/4":		
First.....	2-16'	80.50
Second.....	1 1/2-16'	76.50
Second and Better.....	1 1/2-16'	79.00
Third.....	1-16'	66.50
Third and Better.....	1-16'	72.50
5/8 x 2 1/4":		
First.....	2-16'	73.50
Second.....	1 1/2-16'	68.50
Third.....	1-16'	53.50
33/32 x 2 1/4":		
First.....	2-16'	88.00
Second.....	1 1/2-16'	83.50
Second and Better.....	1 1/2-16'	85.50
Third.....	1-16'	66.50
Third and Better.....	1-16'	79.00
33/32 x 3 1/4":		
Second and Better.....	1 1/2-16'	85.00
Third.....	1-16'	68.50

This amendment shall become effective November 23, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17693; Filed, Nov. 18, 1944;
11:23 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13, Amdt. 63]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The first sentence of the undesignated paragraph beginning with the words "If the point value of any item * * *", following subparagraph (4) of section 9.11 (a), is amended to read as follows:

However, if the point value of any item of processed foods sold or transferred under this section (or any group of such items sold or transferred under this section at the same time) comes out to a number other than zero, ten, or a multiple of ten, the point value (other than zero) at which it may be sold or transferred is the next higher number which is ten or a multiple of ten.

This amendment shall become effective November 22, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., and by Pub. Law 383, 78th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319, and WFO No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 18th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17688; Filed, Nov. 18, 1944;
11:21 a. m.]

PART 1447—GLUE STOCK

[MPR 563, Amdt. 1]

WET GELATIN RAW STOCK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

¹ 9 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791, 3032, 3073, 3513, 3579, 3708, 3710, 3944, 3947, 4028, 4351, 4475, 4604, 4818, 4876, 5074, 5436, 5695, 5829, 6234, 6235, 6647, 6951, 7080, 7081, 7202, 7257, 7345, 7437, 7773, 8793, 9169, 9954, 10087, 10636, 11113.

² 9 F.R. 12645.

Maximum Price Regulation 563 is amended in the following respects:

1. Section 6 (d) is added to read as follows:

(d) *Invoices.* With or prior to any delivery of wet gelatin raw stock, the seller shall furnish to the buyer an invoice showing the delivery date, the seller's name and address, the buyer's name and address, shipping point, delivery point, and the shipping weight, price per ton shipped, and grade of each grade of wet gelatin raw stock included in the delivery. The buyer shall preserve such invoice for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

2. Section 12 is amended by deleting the last sentence in both paragraphs (a) and (b) and inserting in lieu thereof the following sentence: "The maximum price for any shipment involving shrinkage in excess of the percentages specified above shall be the maximum price per ton specified above, multiplied by the weight (expressed in tons) actually delivered."

This regulation shall become effective November 24, 1944.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17690; Filed, Nov. 18, 1944;
11:22 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS [MPR 534-2, Amdt. 3]

HICKORY AND ASH LOGS AND OTHER SPECIALTY WOODS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 12 (d) (2) is amended to read as follows:

(2) *Delivery provisions.* The delivered-to-mill price includes truck delivery from within 25 miles. For logs delivered to the mill by truck from a distance greater than 25 miles, the buyer may add 12½ cents per thousand feet for each load mile over 25 miles, except that in zones 6 and 7, the delivered to the mill price applies regardless of the length of haul.

This amendment shall become effective November 25, 1944.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17756; Filed, Nov. 20, 1944;
11:46 a. m.]

¹ 9 F.R. 5243, 6109, 12022.

PART 1340—FUEL [RMPR 436, Amdt. 8]

CRUDE PETROLEUM, AND NATURAL AND PETRO- LEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 436 is amended in the following respect:

1. Section 10 (n) (13) is added to read as follows:

(13) *Refugio County.* Effective November 7, 1944, the maximum price for residue gas f. o. b. plants, Refugio County, Texas, shall be 3¢ per m. c. f.

This amendment shall become effective as of November 7, 1944.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17752; Filed, Nov. 20, 1944;
11:43 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PROD- UCTS, PRINTING AND PUBLISHING

[MPR 567]

MANUFACTURERS' PRICES FOR GLASSINE PA- PERS AND GREASEPROOF PAPERS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for glassine papers and greaseproof papers by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

Sec.

1. Prohibition against dealing in glassine papers and greaseproof papers at prices above the maximum price.
2. Less than maximum prices.
3. Geographical applicability.
4. To what transactions, commodities and persons this regulation applies, and the relation to other regulations.
5. Federal and State taxes.
6. Export sales.
7. Evasion.
8. Enforcement.
9. Records and reports.

Sec.

10. Petitions for amendment.
11. Applications for adjustment.
12. Adjustable pricing.
13. Definitions.
14. Introductory pricing provisions.

Appendix A—Maximum prices for sales for bleached glassine papers and greaseproof papers and related grades.

Appendix B—Maximum prices for sales of new grades of glassine papers and greaseproof papers and new related grades.

AUTHORITY: §1347.810 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. Prohibition against dealing in glassine papers and greaseproof papers at prices above the maximum price. On and after November 25, 1944, regardless of any contract or other obligations:

(a) No manufacturers shall sell or deliver any glassine papers or greaseproof papers at higher prices than those set forth in this regulation.

(b) No person shall buy or receive glassine papers or greaseproof papers from a manufacturer in the course of trade or business at prices higher than those set forth in this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. Less than maximum prices. Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. Geographical applicability. The provisions of this regulation shall be applicable to the forty-eight states of the United States and to the District of Columbia.

SEC. 4. To what transactions, commodities and persons this regulation applies and the relation to other regulations.

(a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation¹ with respect to sales and deliveries for which maximum prices are established by this regulation. The maximum prices established by this regulation apply only to sales by manufacturers.

(b) "Manufacturer" means any person who manufactures from any raw materials any of the papers covered by this regulation and includes the agents and representatives of such person.

(c) "Bleached glassine papers and bleached greaseproof papers" mean those kinds, types and grades of paper made on Fourdrinier Paper Machines and which are recognized by the trade as glassine papers and greaseproof papers, including but not limited to the related grades enumerated in Appendix A hereof. The provisions of this regulation do not, however, include any grades which are commonly recognized by the trade as imitation glassine papers or imitation greaseproof papers.

(d) "Related grades" include those listed as such in Appendix A as well as any other grades which are allied either to glassine paper or to greaseproof paper by reason of similarity of raw materials used and conversion processes employed.

SEC. 5. Federal and State taxes. Any tax upon, or incident to the sale, delivery, processing or use of any paper covered by this regulation imposed by any statute of the United States or statute or ordinance of any State or any subdivision thereof, shall be treated as follows in determining the manufacturer's maximum price for such paper in preparing the records of such manufacturer with respect thereto. If, at the time the manufacturer determines his maximum price the statute or ordinance imposing such tax does not prohibit the manufacturer from stating and collecting the tax separately from the purchase price, and the manufacturer does state it separately, the manufacturer may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the manufacturer by the vendor from whom he purchased, and in such cases the manufacturer shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 567.

SEC. 6. Export sales. The maximum price at which a person may export or may sell for export the papers covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation² issued by the Office of Price Administration.

SEC. 7. Evasion. (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, delivery, purchase or receipt of or relating to the papers covered by this regulation, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited if used as a means of evading the price limitations imposed by this regulation: modifying, discontinuing or altering any customary trade practice of the seller, or deteriorating the quality or changing the identity of any grade.

SEC. 8. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of license as provided by the Emergency Price Control Act of 1942, as amended.

SEC. 9. Records and reports. (a) Every person making sales or purchases of any of the papers subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is effective an accurate record of such sale or purchase. Such record may be in the form of the invoice or a copy thereof furnished in connection with each such sale or purchase.

(b) Persons required to keep records by paragraph (a) of this section shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time require, or permit, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) On or before December 29, 1944, each manufacturer shall file with the Office of Price Administration in Washington, D. C. a statement setting forth:

(1) A list of all brand names under which it sells bleached glassine paper, bleached greaseproof paper and any of their related grades.

(2) The maximum base price for all related grades of bleached glassine paper and bleached greaseproof paper as established by the manufacturer under section 14 hereof.

The statement shall be accompanied by a sample 8" by 10½" of each grade of paper produced by such manufacturer.

SEC. 10. Petitions for amendment. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.³

SEC. 11. Application for adjustment—

(a) *When adjustments may be granted.* The Office of Price Administration may adjust the maximum price established for any grade of paper covered by this regulation in any case in which it finds that the seller is unable to maintain his production of that grade at that price and that either:

(1) Continuance of the seller's production of that grade is required to meet a military or essential civilian need, or

(2) Loss of the seller's production of that grade will force his customers to resort to higher priced sources of supply and that no adequate substitute for that grade is available to his customers at a price equal to or lower than the adjusted maximum price which he requests.

(b) *Amount of relief.* The relief granted under this section shall be limited to the amount necessary to insure the maintenance of the manufacturer's production; *Provided, however,* That where an application is filed under paragraph (a) (2) above, the seller's maximum price will not be raised above the general level of prices prevailing for alternative sources of supply of the grade or an adequate substitute therefor.

(c) *Form of application.* All applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

SEC. 12. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for

¹ 9 F.R. 1385, 3169, 6106, 8150, 10193, 11274.

² 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9834, 11273.

³ 7 F.R. 8961; 8 F.R. 3313, 3533, 6178; 9 F.R. 10476.

a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. Definitions. (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Manufacturer" has the meaning stated in Section 4 above.

(3) "Bleached glassine paper" and "bleached greaseproof paper" have the meaning stated in Section 4 above.

(4) "Related grade" has the meaning stated in Section 4 above.

(5) "Offering price" means the price quoted in the manufacturer's price list, or if he had no such price list, the price which he regularly quoted in any other manner.

(6) "Basis weight" means the weight in pounds of a 500 sheet ream of paper 24" x 36" per sheet (total area 432,000 sq. in.).

(7) "Highest price charged" means the highest price which the manufacturer charged for the delivery of a particular grade of paper referred to in this regulation during the month of March 1942 or, if the manufacturer made no such delivery, his highest offering price for delivery during that period.

(8) "Base price" means the highest price charged by a manufacturer for a particular grade of paper before the addition of the differentials provided for in Appendix A (a) (2).

SEC. 14. Introductory pricing provisions. This section contains certain general pricing provisions which the manufacturer must consider along with the appropriate specific pricing provisions of Appendices A and B in order to determine the maximum prices that he may charge for the various grades of papers covered by this regulation. Appendix A contains specific pricing provisions for bleached glassine paper and bleached greaseproof paper and their related grades. Appendix B provides the method for determining maximum prices for new grades which cannot be priced under Appendix A.

The first step in determining the maximum price applicable to the sale of any such paper is to arrive at the maximum base price. To this maximum base price there may be added or shall be sub-

tracted, as the case may be, all applicable differentials, charges, discounts, allowances, and other pricing elements that customarily enter into a manufacturer's calculations of his selling price. The price arrived at after the addition or subtraction of these pricing elements is the permissible maximum price.

In Appendix A specific dollar and cent maximum base prices are stated for No. 1 Bleached Glassine paper and No. 1 Bleached Greaseproof paper. Also listed in the Appendix are certain "related grades," maximum base prices for which shall be computed in accordance with the method set forth in paragraph (a) of this section 14. Differentials, charges, discounts, allowances, and other pricing elements shall be determined by referring to this section 14 and to the pricing provisions contained in Appendix A. The provisions of this section 14 shall apply except where inconsistent with the pricing provisions in Appendix A in which case the latter provisions shall apply.

(a) *Related grades.* (1) Following each listing of grades for which specific dollar and cent maximum base prices have been established are cited certain papers designated as "related grades." "Related grades" include not only those cited as such, but also all other grades which have been considered by the industry to be related to the listed grades. The maximum base price for any such related grade shall be determined as follows:

The manufacturer shall determine the highest base price charged by him during the month of March 1942 for 25 pound No. 1 Bleached Glassine paper or 25 pound No. 1 Bleached Greaseproof paper, whichever shall be applicable, and shall ascertain the difference between that price and the highest base price charged by him during the same period for the related grade that is to be priced. The difference between the two shall be added to or subtracted from, as the case may be, the maximum base price stated in this regulation for either No. 1 Bleached Glassine paper or No. 1 Bleached Greaseproof paper, whichever shall be applicable. The resulting computation shall constitute the maximum base price for the related grade being priced. To that maximum base price there shall be applied the same differentials, charges, discounts, allowances, and other pricing elements as are applicable to the listed grade.

(2) In those cases where a manufacturer is unable to price a related grade under subparagraph (1) of this paragraph (a), he shall price it under Appendix B.

(b) *Pricing point.* All maximum prices established under this regulation are f. o. b. mill.

(c) *Other differentials, charges, discounts and allowances.* Wherever not specifically provided for in this section 14 or in the Appendices, differentials, charges, discounts, allowances, and other pricing elements shall be applied in accordance with manufacturer's customary practices during the month of March 1942.

APPENDIX A—MAXIMUM PRICES FOR BLEACHED GLASSINE PAPERS AND BLEACHED GREASEPROOF PAPERS

(a) The following maximum base prices are for No. 1 Bleached Glassine and No. 1 Bleached Greaseproof papers, basis 25 pound and heavier, in rolls 12" or more in diameter, 6" in width or wider, wound on a three inch inside diameter core, packed in cases, bundles or on skids (Minimum 2500 lbs. net) in quantities of not less than 500 lbs. net:

Grade:	Maximum base prices per cwt.
No. 1 Bleached Glassine.....	\$13.25
No. 1 Bleached Greaseproof.....	\$11.00

(1) *Related grades.* (i) With respect to bleached glassine paper, related grades include but are not limited to:

Baglass, amber glassines, condenser and electrical glassines, opaque glassines, super-transparent glassine, window envelope glassine, embossed glassine, laminated glassine, glassine laminated with other papers, cereal glassine, colored glassines, sulglass, ice cream bag, unbleached glassine, plasticized glassine, board liner glassine, breadwrapper glassine, waxing glassine, wet strength glassines, coating glassine, avarized glassine.

(ii) With respect to bleached greaseproof paper, related grades include but are not limited to: Lard liner greaseproof, unbleached greaseproof, greaseproof manifold, laminated greaseproof, greaseproof laminated with other papers, colored greaseproof, plasticized greaseproof, opaque greaseproof, wet strength greaseproof, surface coated greaseproof, coating greaseproof, greeting card parchment, liner greaseproof.

(2) *Differentials to be added to base prices—*(i) *For basis weight less than 25 lb.:*
\$0.40 per cwt. for each lb. below 25 lb. basis weight, down to and including 20 lb.
\$1.00 per cwt. for each lb. below 20 lb. basis weight, down to and including 16 lb.
\$2.00 per cwt. for each lb. below 16 lb. basis weight.

(ii) *Quantities.*
Orders for less than 500 lb. of any single grade, basis weight, or size, add \$2.00 per cwt.

Orders for less than 100 lb. of any single grade, basis weight, or size, add \$1.00 packing and handling charge to above differentials.

(iii) *Finish; embossing.*
For basis weights 25 lb. and heavier—\$1.00 per cwt.
For basis weights below 25 lb.—\$1.25 cwt.

(iv) *Sheets.*

Area	Per cwt.	
	Embossed	Plain
(a) 144 sq. inches or more where neither width nor length is more than 54 inches.....	\$1.00	\$.50
(b) Less than 144 sq. inches but not less than 96 sq. inches.....	1.50	1.00
(c) Less than 96 sq. inches but not less than 48 sq. inches.....	2.00	1.50

(d) Less than 48 sq. inches add \$1.00 per cwt. for each 12 sq. inches less than 48 sq. inches.

(e) Where either width or length is between 54 inches and 96 inches add \$.50 per cwt.

(f) Where either width or length is over 96 inches add \$1.00 per cwt.

(g) When Bleached Glassine Papers and Bleached Greaseproof Papers are sold with the understanding that it will be billed at ream or nominal weight, a differential of 5

per cent shall be added to the price of all grades and weights including embossed.

(v) Diameter of rolls.

(Per cwt.)

Outside diameter of roll	Core—inside diameter					
	1"	2"	3"	4"	5"	6"
8"	\$1.00	\$1.00	\$1.00	—	—	—
6"	1.00	1.00	1.00	1.00	—	—
7"	.50	1.00	1.00	1.00	1.00	—
8"	.50	.50	1.00	1.00	1.00	1.00
9"	.50	.50	.50	1.00	1.00	1.00
10"	.50	.50	.50	.50	1.00	1.00
11"	.50	.50	.50	.50	.50	1.00
12"	Base	Base	Base	.50	.50	.50
13"	Base	Base	Base	Base	.50	.50
14"	Base	Base	Base	Base	Base	.50

(vi) Roll Widths

Per cwt.

(a) Widths less than 6 in. but not less than 2 in. \$2.00

(b) Widths less than 2 in. but not less than 1 in. \$4.00

(c) Widths less than 1 in. 8.00

APPENDIX B—MAXIMUM PRICES FOR NEW GRADES OF BLEACHED GLASSINE PAPERS AND BLEACHED GREASEPROOF PAPERS AND NEW RELATED GRADES

(a) The maximum base price for a new grade of glassine paper or greaseproof paper which was not delivered or offered for delivery by the manufacturer during the month of March 1942, shall be a price in line with the maximum base price established by this regulation for the nearest related grade. "The nearest related grade" shall be that grade listed in Appendix A (a) (1) which the manufacturer is producing currently and at a total cost which is closest to the total cost of the new grade for which a price is sought.

A price shall be "in line" only if the difference between the price and the price for the nearest related grade is not in excess of the dollars and cents difference between the total cost of that grade and the total cost of the nearest related grade.

The total cost in these cases shall be computed on the basis of costs prevailing at the time when such in line price is being determined and in accordance with the manufacturer's usual method of determining total cost during March, 1942.

A maximum price determined by a manufacturer under this Appendix B must be reported to and confirmed by the Office of Price Administration. If this confirmation is not obtained prior to the time of making the sale, the manufacturer must agree to refund to the purchaser any amount paid in excess of the confirmed maximum price.

Confirmation of a maximum price determined under this section shall be obtained as follows:

The seller must submit to the Office of Price Administration in Washington, D. C., a statement setting forth all of the relevant facts including the following:

- (1) Description of the grade being priced;
- (2) Completed Form 695-720 (Forms available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.) which covers cost and price data on that grade, and on the most comparable grade with which the price comparison was made;
- (3) A sample sheet 8" x 10½" of each grade.

Unless the Office of Price Administration or a duly authorized representative thereof shall, by notice mailed to the applicant within 30 days from the date of filing such application, approve, disapprove, adjust or extend the time within which to do any of the foregoing, such application shall be deemed to have been approved, subject to non-retroactive written disapproval or ad-

justment at any later time by the Office of Price Administration.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Maximum Price Regulation No. 567 shall become effective November 25, 1944.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17757; Filed, Nov. 20, 1944; 11:46 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Corr. to Supp. 1¹]

COTTONSEED PRODUCTS

The second sentence of the second introductory paragraph of section 6 of Supplement No. 1 to Food Products Regulation No. 3 is corrected by inserting the phrase "sell and" before "deliver", and after "In the event you".

This correction shall become effective on the 25th day of November 1944.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17760; Filed, Nov. 20, 1944; 11:43 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Corr. to Supp. 2²]

BABASSU, COPRA, OURICURI, PALM KERNEL AND SESAME PRODUCTS

The second sentence of the second introductory paragraph of section 6 is corrected by inserting the phrase "sell and" before "deliver", and after "In the event you".

This correction shall become effective on the 25th day of November 1944.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17761; Filed, Nov. 20, 1944; 11:45 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 3, Corr. to Supp. 3³]

SOYBEAN PRODUCTS

Supplement No. 3 to Food Products Regulation No. 3 is corrected in the following respects:

1. The second sentence of the second introductory paragraph of section 6 is corrected by inserting the phrase "sell and" before "deliver", and after "In the event you".

¹ 9 F.R. 11508.

² 9 F.R. 11510.

³ 9 F.R. 11849.

2. Section 6 (a) is corrected by inserting "from Decatur, Illinois" after "freight allowance", and before "to such point".

3. Section 6 (d) is corrected by inserting "from Decatur, Illinois" after "freight allowance", and before "to that point".

This correction shall become effective on the 25th day of November 1944.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17762; Filed, Nov. 20, 1944; 11:45 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMFR 291¹ Amdt. 4]

CERTAIN SYRUPS AND MOLASSES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 11a is amended by adding paragraph (d) to read as follows:

(d) The Price Administrator may, by order, adjust the established maximum price of any seller under this section. (Applications for adjustment shall be filed with the Office of Price Administration, Washington, D. C., in accordance with Revised Procedural Regulation No. 1.) Adjustments may be made when it is found that:

(1) The maximum price established by this section impedes or threatens to impede the production or distribution of the item; and

(2) There exists or threatens to exist such a shortage of the item that adequate supplies of it are not available to producers of essential commodities in which it is used, in a local area convenient to the receiving point of such producers (from a freight cost point of view); and

(3) Such shortage will be substantially reduced or eliminated by adjusting the maximum prices of such a seller; and

(4) The adjustment will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

This amendment shall become effective November 25, 1944.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17751; Filed, Nov. 20, 1944; 11:43 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMFR 490² Amdt. 1]

EDIBLE TREE NUTS

A statement of the considerations involved in the issuance of this amend-

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 16508, 9 F.R. 795, 2562, 3647, 4196.

² 8 F.R. 14979, 15259, 16663; 9 F.R. 304, 4238.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.2010 Revised Maximum Price Regulation 490 is amended in the following respects:

1. Section 3 (b) is added to read as follows:

(b) Except maximum prices for roasters and salters of filberts who prior to October 18, 1944, established maximum prices for filberts on a basis set out above shall be the maximum prices so established plus the applicable amounts shown in section 4a.

2. Section 4 (d) is added to read as follows:

(d) Except maximum prices for wholesalers, wagon wholesalers and retailers of filberts who prior to October 18, 1944 established maximum prices for filberts on the basis set out above shall be the maximum prices so established plus the applicable amounts shown in section 4a.

3. Section 4a is added to read as follows:

SEC. 4a. Amounts which roasters and salters, wholesalers, wagon wholesalers and retailers of filberts may add to maximum prices previously established. (a) Maximum prices for filberts on sales by a roaster, salter, wholesaler, wagon wholesaler and retailer shall be the maximum price which he established for filberts prior to October 18, 1944 in accordance with the method set out in section 3 (a) and paragraphs (a), (b) and (c) of section 4, plus the appropriate amounts shown in the following tables:

	In shell (cents per lb.)	Shelled (cents per lb.)
Jumbo	2	
Large (except brix nuts)	2½	
Fancy	2½	
Baby	3	
Oregon #1 (jumbo and large)		9
Oregon #1 (medium and small)		9
Oregon broken		9

This amendment shall become effective November 20, 1944.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

Approved: November 6, 1944.

MARVIN JONES,
War Food Administrator.

For the reasons set forth in the accompanying statement of considerations and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, I find that the issuance of this amendment is necessary to correct a gross inequity and hereby authorize its issuance.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 44-17759; Filed, Nov. 20, 1944;
11:43 a. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1377—WOODEN CONTAINERS

[2d Rev. MPR 195]

INDUSTRIAL WOODEN BOXES

Revised Maximum Price Regulation No. 195 is redesignated Second Revised Maximum Price Regulation No. 195 and is revised and amended to read as follows:

In the judgment of the Price Administrator the prices established by this regulation are generally fair and equitable and in accordance with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Sec.

1. Sales of industrial wooden boxes at higher than maximum prices prohibited.
2. Products covered.
3. Maximum price: sales by manufacturers.
4. Adjustment for increased lumber costs.
5. Adjustment for increased overtime.
6. Maximum price: sales by persons other than manufacturers.
7. Maximum prices: all other cases.
8. Extras, discounts and allowances.
9. Additions for delivery.
10. What the invoice must contain.
11. Prohibited practices.
12. Adjustable pricing.
13. Applications for adjustment and petitions for amendment.
14. Reports and records.
15. Licenses.
16. Enforcement.
17. Relation to other regulations.

AUTHORITY: § 1377.151 issued under 58 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. Sales of industrial wooden boxes at higher than maximum prices prohibited. On and after November 25, 1944, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive any industrial wooden box at a price higher than the maximum price established by this regulation, and no person shall agree, offer, or attempt to do any of these things.

Prices lower than the maximum prices may, of course, be charged or paid.

SEC. 2. Products covered—(a) General coverage. This regulation covers, under the name "industrial wooden box" any box, crate, case, tray, carrier, shipping pallet, reel, wood frame fiber box, or similar container made principally of wood, in the form of lumber, plywood, or veneer, and used for packaging, shipping, storing, or handling any product other than perishable fruit and vegetables and exceptions indicated in paragraph (c) of this section. Some of the containers which are covered by this regulation, but may not usually be thought of as "industrial" boxes, are butter boxes, lard boxes, egg cases, cheese boxes, fish boxes, and munitions boxes, stock boxes, starch trays, candy trays, and bakery trays.

(b) Unassembled containers and parts. This regulation covers the containers when unassembled, and the constituent

wooden parts of these containers, with the following exceptions:

(1) Any part which can be priced as lumber, veneer, plywood, or other material is subject to the applicable maximum price regulation. However, if the particular part is ready to be assembled into the container and is sold in complete sets at a certain price per set together with other parts which cannot be priced as lumber, veneer, plywood or other material, this regulation applies. In any case, cut-to-size pallet or reel stock which can be priced as lumber must always be priced as lumber, no matter how it is sold. For purposes of this paragraph it will be presumed that any part under 3/8" in thickness or under 4' in length is not lumber, unless worked to standard lumber patterns or unless produced by sawmills by ordinary sawmill operations such as resawing and cross cutting.

(2) Any cut-to-size veneer subject to Maximum Price Regulation 176, Southern Rotary Cut Box Grade Veneer, is not subject to this regulation.

(c) Specific exceptions. This regulation does not cover any cooerage products or parts, used containers, or any wirebound containers.

SEC. 3. Maximum prices: Sales by manufacturers—(a) Items sold in March 1942. The maximum price, f. o. b. plant, for any industrial wooden box or component parts, which the seller sold in March 1942 is the weighted average price for which he sold such industrial wooden box or component parts f. o. b. plant during March 1942 adjusted for increased material and overtime labor costs as explained in sections 4 and 5 below.

(b) Items not sold in March 1942. The maximum price, f. o. b. plant, for an industrial wooden box or component parts not sold in March 1942 is that at which the manufacturer would have sold the industrial wooden box or parts on March 31, 1942 calculated on the basis of his March 1942 costs adjusted for increased material and overtime labor costs as explained in sections 4 and 5 below.

To determine maximum prices under this paragraph use procedure set forth in (i) immediately below. If procedure set forth in (i) is not applicable, then use procedures set forth in (ii).

(i) Price determining methods based on costs. In computing the March, 1942 selling price a manufacturer, who on March 31, 1942 had a price-determining method for industrial wooden boxes or parts based on costs (such as an "NRA-type" formula) established and regularly used in computing box prices, must continue to use that method. The formula must be applied to the March 31, 1942 costs. Where the price on similar items sold in March, 1942 was less than the price computed on the basis of the seller's formula in use at that time, the dollars and cents differential must be reflected in the price of the industrial wooden boxes or parts to be currently priced.

(ii) Price-determining method based on sales of similar items. The method described in this paragraph should be

used by a manufacturer having no price-determining method based on costs for industrial wooden boxes or parts. In determining the price for a box which he did not price in March, 1942, he should use as a "yard-stick" the box with the nearest board footage content for which he has been able to figure a maximum price under paragraph (a) above. This "yard-stick" box should be a box of the same style using a thickness of stock involving comparable sawing operations. (For example, a box using resawn lumber should not be used as a yardstick for one using stock not resawn.) If there is a normal dollars-and-cents price differential between the two boxes, he should adjust the maximum price which he has figured for the "yard-stick" box by that differential, and this will give him the maximum price for the box being priced. If there is not a normal dollars-and-cents differential, the differential should be built up on the basis of normal individual price differentials for the differences in board footage content, extra operations, and any other specifications.

Sec. 4. Adjustment for increased lumber and other material costs—(a) Purchased lumber. The cost of purchased lumber is the average of the actual prices paid for the lumber (of the kind used in the particular box) in the manufacturer's inventory or in transit at the time of the sale subject to this regulation. The purchases must be weighted on the basis of quantity. If inventory is kept on grade, the average purchase price of the grade or grades actually used in the box should be taken as the lumber cost. If inventory is not kept on grade, the average value of inventory should be used, and lumber taken out of inventory should be charged off at the average purchase price at the time of removal. The average need not be figured every day, but must, however, be figured at least monthly, and prices adjusted accordingly. Adjustments shall not be made in excess of the average cost of lumber properly figured to establish selling prices for the month of October 1944.

The lumber cost to be used in adjusting selling prices under this regulation shall not be in excess of the f. o. b. mill maximum price on October 31, 1944 for truckload or carload quantities, plus permitted additions for direct-mill shipments, in the applicable maximum price regulation of the particular grades and species used. In the case of veneer, adjustment may not be based on prices in excess of those established for box grade veneer under Maximum Price Regulation No. 176 on October 31, 1944, or General Maximum Price Regulation if applicable. Waste in manufacturing shall be calculated by using the percentage factors which were used for the same grades in March 1942. Additions for unloading and handling lumber at the plant may not exceed those made in March 1942 and may not include any addition for handling lumber from cars or trucks into the plant.

(b) *Produced lumber.* A manufacturer who produces his own lumber shall use the same method of determining his lumber cost as he used in March, 1942

and compute his increased lumber cost in the manner outlined in paragraph (a) of this section, except that such cost may not exceed the f. o. b. mill ceiling on October 31, 1944 less \$2.00 per M plus transportation additions permitted in the applicable regulation covering direct-mill shipments.

(c) For the purposes of this section, veneer and plywood costs shall be determined in the same manner as outlined for lumber.

(d) *Other materials.* The cost of other materials to be used in adjusting selling prices under this regulation may not exceed the maximum delivered prices for such materials. Material costs include nails, screws, strapping, wire and the like. Logs, bolts, cordwood, pulpwood and other such primary forest products are not considered materials for the purpose of adjustment under this regulation.

In no event shall the cost of materials used in calculating the maximum price for industrial wooden boxes or parts covered in this regulation exceed the material cost used by the seller during October 1944, in determining the price level under Revised Maximum Price Regulation 195.

Sec. 5. Adjustment for increased overtime. A manufacturer with an established price-determining method based on cost or one who computes his maximum price under the "lumber cost method" may use his present overtime hours in figuring labor costs. However, the March 1942 wage rate must be used in computing labor costs, both straight and overtime hours. No increase due to increased basic wage rates since March 1942 may be included. Thus, if time-and-a-half is paid for overtime, and if the hourly rate has increased from 60¢ to 70¢ since March 1942 the overtime expense is figured on the 60¢ rate. Under both methods, the added expense for the additional overtime must be computed on a weekly basis and spread evenly over all the industrial box production of the plant.

Sec. 6. Maximum price: Sales by persons other than manufacturers. (a) The maximum price for the sale of an industrial wooden box by a seller other than a manufacturer is the seller's net invoice cost of this box plus the seller's average percentage mark-up during March 1942 on sales of all industrial wooden boxes or parts to purchasers of the same class.¹ This "average percentage mark-up during March 1942" must be an average weighted by volume of sales.

If he sold no industrial wooden boxes or parts during March, 1942, he should use as his own mark-up the "average percentage mark-up during March 1942" of his most closely competitive seller.

¹ Purchasers of the same class refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

If a seller purchases industrial wooden boxes or parts from another seller of the same class—such as a jobber purchasing from another jobber—the combined mark-up may not exceed the allowable mark-up of either jobber.

Sec. 7. Maximum prices: All other cases. If any seller of industrial wooden boxes or parts cannot figure his maximum price under the provisions of this regulation up to this point, he should write a letter to the Lumber Branch of the Office of Price Administration, Washington, D. C. telling why he cannot. He should describe the box, (giving inside dimensions; style of box; number, size, thickness of each piece, and species of lumber; grade requirements of box; whether veneer or sawed; fixtures, such as hinges and hasps; any special operations, such as hand-holes; whether in shock form, unitized, or set-up; and any other relevant facts), state the requested price and whether it is f. o. b. mill or delivered, and give any information, such as costs, his principal competitor's price and the like which would be of assistance in determining a proper price. The Office of Price Administration will then by letter send instructions either in the form of a specific price or in the form of a method of computing the price. In no case will a price or pricing method be approved which will result in a price higher than that of the principal competitor. A seller who has made application for approval of a price or a pricing method does not have to suspend negotiations or deliveries. He may sell and deliver at the price requested by him, but he may not accept final payment until his price has been approved. A price which has not been disapproved within 30 days from receipt of application by this Office shall be considered approved.

Sec. 8. Extras, discounts, and allowances. The maximum price shall be adjusted for all extra charges, discounts, or allowances in use by the seller in March 1942.

Sec. 9. Additions for delivery—(a) Common or contract carrier. If delivery is by common or contract carrier the seller may add to his maximum prices the actual charges paid or incurred by him in making delivery to the purchaser, or a charge based on the actual freight rate from the seller's shipping point to the purchaser.

(b) *Private truck.* If delivery is by truck owned or controlled by the seller, the seller may add to his maximum prices his actual cost of delivery; if actual cost cannot be determined, an amount not in excess of 80 percent of the common carrier truck charge for a similar shipment may be added. In no case may the addition exceed the latter amount.

Sec. 10. What the invoice must contain. All invoices must show the quantity of the sale, a sufficiently complete description of the containers or parts or any extras which affect the maximum price to show whether or not the price is proper. The invoice must also show

any addition for delivery and whether the sale is by a dealer or a manufacturer.

SEC. 11. Prohibited practices—General. Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, changes in discount practices and the like.

SEC. 12. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant the authorization has been delegated. The authorization will be given by order except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. Applications for adjustment and petitions for amendment—(a) Government contracts. See Procedural Regulation No. 6² for adjustments on certain government contracts and sub-contracts.

(b) Individual adjustment—(1) When adjustment may be granted. The Price Administrator may by order adjust the maximum prices established under this regulation for any seller of industrial wooden boxes or parts who can show that the seller's maximum prices are at such a level that his production of essential supply of industrial wooden boxes or parts is impeded or threatened.

(2) Factors which may be considered. The following factors are relevant to the

consideration of whether maximum prices are at such a level that production or supply of industrial wooden boxes or parts is impeded or threatened;

(i) Whether, and by what amount, the maximum price is below or above unit manufacturing costs.

(ii) Whether, and by what amount, the maximum price is below or above total unit costs.

(iii) Whether, and by what amount, the seller's current overall profits, before income and excess profits taxes, are greater or less than his average overall profits during a normal base period, adjusted to reflect any change from the normal base period average investment.

(iv) Whether greater efficiency in production or merchandising can be reasonably expected so that an adjustment would not be necessary.

(v) Whether the seller previously sold the industrial wooden boxes or parts at a price which was below its total unit costs.

(3) Form and content of applications. Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1,³ issued by the Office of Price Administration, and, in general, shall contain the following data:

(i) Condensed profit and loss statements and balance sheets for over-all company operations for each year 1936 through the last calendar or fiscal year and for the available quarters to date of application.

(ii) Condensed profit and loss statements broken down by departments for each of the manufacturer's plants producing industrial wooden boxes or parts for each six months' period of 1942, the year 1941 through the last calendar or fiscal year and available quarters to date. A breakdown of sales between industrial wooden boxes or parts and all other boxes for the same periods.

(iii) A separate, but complete, breakdown, showing footage produced and manufacturing costs of resawn lumber, veneer, plywood, fiberboard, and any other material produced for use in manufacturing industrial wooden boxes or parts for each department or plant owned, operated, or controlled by the manufacturer for each six months' period of 1942, the last calendar or fiscal year and available quarters to date.

(iv) A complete breakdown of all manufacturing costs of industrial wooden boxes or parts for each plant for which an adjustment is sought for the first half of 1942, the last calendar or fiscal year and the available quarters to date. Costs of resawn lumber, veneer, plywood, fiberboard, and any other material and footage purchased and manufactured should be shown separately for each period. A statement of cost increases since the beginning of the last period covered by financial statements should also be furnished.

(c) General amendments. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,⁴ issued by the Office of Price Administration.

SEC. 14. Reports and records—(a) Reports. Every manufacturer of industrial wooden boxes or parts must file with the Lumber Branch, Office of Price Administration, Washington, D. C., his March 1942 price determining method or formula, grades and cost of lumber used, the waste factor applied to each grade and any other item entering into the price determination. The manufacturer must file similar information with respect to his present price computation.

If a manufacturer used a competitor's price as a basis for his own price, he must report the name of his competitor, the grade, species and cost of lumber used at the time of adoption of the competitor's price and the grade, species and cost of lumber entering into his present computation.

Sellers other than manufacturers must file their methods of arriving at their selling prices in March, 1942, and at the present time.

These reports must be filed within 30 days from the effective date of this regulation, or in the case of sellers entering business after the effective date of the regulation, within 30 days of the time of entering business.

Any change in material cost due to change in grade, species or any other cause which increases or decreases the seller's maximum price as reported under this section must be reported to this office within 10 days from the time such change becomes effective.

Reports should be in the following form:

² 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

³ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594.

⁴ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594.

FORM A—LUMBER OR OTHER MATERIAL COST REPORTING FORM FOR MARCH 1942 AND PRESENT DATE

Species	Grade	Quantity ¹	Applicable maximum price or cost f. o. b. shipping point	Actual transportation cost	Unloading and handling cost in yard ²	Kiln drying or milling in transit if any ³	Other costs (specify)	Total average cost	Waste factor
MARCH 1942									
PRESENT DATE (Indicate).....									

¹ In inventory and transit.² If lumber cost in March 1942 did not include unloading and handling and kiln drying or milling in transit or other costs and waste and these items of cost were included in the margin between lumber cost used and selling price, such cost items must not be included in lumber costs in computing the adjusted maximum price.

FORM B—MAXIMUM PRICES FOR INDUSTRIAL WOODEN BOXES

A		B	
March 1942 price—f. o. b. plant (or specify other period if competitor's price used as basis).		Current..... Price f. o. b. plant. (Date)	
1	Type of shook.	1	Type of shook.
a	Average cost of lumber ¹ in inventory and in transit..... \$..... per M	a	Average cost of lumber ¹ in inventory and in transit..... \$..... per M ²
b	Average waste on finished product..... % \$..... per M	b	Average waste on finished product..... % \$..... per M ²
c	Cost of lumber ¹ plus waste (Item a plus b)..... \$..... per M	c	Cost of lumber ¹ plus waste (Item a plus b)..... \$..... per M ²
d	Total selling price of shook..... \$..... per M	d	Increased cost resulting from increased overtime.. \$..... per M ²
e	Competitor's name, address and selling price, where used in price determining method.	e	Total selling price of shook..... \$..... per M ²
		f	If new manufacturer, give name, address and selling price of nearest competitor.

NOTE: Furnish same type of information for each type of shook in manner set forth above.

¹ Veneer, plywood or fibreboard, if applicable.² Show computations on separate sheet, using March 1942 wage rate as basis.³ In case of new manufacturer, these figures may be estimates; for all others figures should be actual.

FORM C—DIFFERENTIALS AND EXTRA CHARGES USED AS OF MARCH 1942 IN CALCULATING MAXIMUM PRICES FOR INDUSTRIAL SHOOK

Please Submit the Following Information	
1. Differentials for variations in: (a) Footage content of unit; (b) Variations in size.	6. Extra charges for cleating: (a) Style 4. (b) Style 2. (c) Style 2½. (d) Other (specify).
2. Mailing-up charges for assembling boxes, including charges for setting up lock corner boxes.	7. Additions for extra operations: (a) Printing (one color, two colors, etc.). (b) Banding (per linear feet). (c) Grooving (per 100 parts). (d) Boring (per 100 parts). (e) Hand holes (per 100 parts). (f) Notching (per 100 parts). (g) Beveling (per 100 parts). (h) Recessing for Government labels (per 100 parts). (i) Corrugated fastening (per 100 parts). (j) Other (specify).
3. Differentials for less carload quantities of shook.	8. Other differentials and extra charges used in calculating maximum prices for industrial shook. (Please specify.)
4. Differentials for less carload quantities of nailed boxes.	
5. Additions for special grades. (Insert additions, if any were in effect March 1942 for Federal Specifications such as NN-B-621a, or 100-14A, or ICC-14, etc.).	

FORM C. DIFFERENTIALS AND EXTRA CHARGES USED IN CALCULATING MAXIMUM PRICES FOR INDUSTRIAL SHOOK

- For variations in footage content of unit (Insert differentials for variations in size)
- For assembling boxes (Insert nailing up charges of March 31, 1942; also insert charges for setting up lock corner boxes)

3. For less than carload quantities of shook (Insert schedule of March 31, 1942)

4. For less than carload quantities of nailed boxes (Insert schedule of March 31, 1942)

5. Additions for special grades (Insert additions, if any were in effect March, 1942 for Federal Specifications such as NN-B-621a, or 100-14A or ICC 14, etc.)

6. Extra charges for cleating

- Style 4
- Style 2
- Style 2½ etc.

7. Extra operations

- Printing (one color, 2 colors, etc.)
- Banding (Per linear foot)
- Grooving (per 100 parts)
- Boring (per 100 parts)

- (e) Hand holes (per 100 parts)
- (f) Notching (per 100 parts)
- (g) Beveling (per 100 parts)
- (h) Recessing for government labels (per 100 parts).
- (i) Corrugated fastening (per 100 parts)
- 8. Others—Specify

(b) *Records.* All sellers of industrial wooden boxes or parts must keep records which will clearly identify the box sold and show the name and address of the purchaser, the date of the sale, and the price. Records must also be kept showing the method of determining prices used by the seller, and any calculated cost factors, such as material and labor costs, which were used in applying the price-determining method. Purchasers must keep a record of the name and address of the seller, the date of the purchase, a description of the box purchased, and the price paid for it. These records must be kept for a period of two years or the duration of the Emergency Price Control Act, as amended, whichever period is the shorter.

Sec. 15. *Licenses.* The provisions of Licensing Order No. 1,⁸ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

Sec. 16. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

Sec. 17. *Relation to other regulations—*
(a) *General Maximum Price Regulation.* Any sale or delivery covered by this Maximum Price Regulation is not subject to the General Maximum Price Regulation.

(b) *Second Revised Maximum Export Price Regulation.* The maximum prices for export sales of products covered by this regulation are governed by the Second Revised Maximum Export Price Regulation.

This regulation shall become effective November 25, 1944.

NOTE: All reporting and record-keeping requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17758; Filed, Nov. 20, 1944;
11:48 a. m.]

⁸ 8 F.R. 13240.

⁹ 9 F.R. 1335, 5169, 6106, 8150.

¹⁰ 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1033, 5923, 7201, 9835.

PART 1388—DEFENSE-RENTAL AREAS
[Hotels and Rooming Houses,¹ Corr. to Amdt. 32]

DESIGNATION OF AREAS

Schedule A in Amendment 32 to the Rent Regulation for Hotels and Rooming Houses is corrected in the following respect:

In item 210, the third column of the second line is corrected to omit "Wayne", to read "Cayuga, Onondaga, and Oswego."

Issued and effective this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17763; Filed, Nov. 20, 1944;
11:44 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,² Corr. to Amdt. 35]

DESIGNATION OF AREAS

Schedule A in Amendment 35 to the Rent Regulation for Housing is corrected in the following respect:

In Item 210, the third column of the second line is corrected to omit "Wayne", to read "Cayuga, Onondaga, and Oswego."

Issued and effective this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17764; Filed, Nov. 20, 1944;
11:44 a. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 491, Amdt. 2]

PRESSURE PRESERVATIVE TREATMENT OF FOREST PRODUCTS AND PRESSURE TREATED FOREST PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 491 is amended in the following respects.

1. In section 18 (b), immediately after the phrase "using the random length price for poles and piling" the phrase "plus one and one-half cents per lineal foot" is inserted.

2. In section 19 (b), immediately after the phrase "using the random length price for poles and piling" the phrase "plus three-quarters of a cent per lineal foot" is inserted.

This amendment shall become effective November 25, 1944.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17755; Filed, Nov. 20, 1944;
11:45 a. m.]

* Copies may be obtained from the Office of Price Administration.

¹ 9 F.R. 11540.

² 9 F.R. 11541.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 425,¹ Amdt. 11]

FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 425 is amended by adding a new section 6a as follows:

Sec. 6a. *Maximum prices for sales by growers to processors on a "cooperative basis".* The maximum prices named above in sections 3, 4 and 5 do not apply to sales by growers to processors on a "cooperative basis".

In such cases, the grower's maximum price for the fresh product shall be the processor's lawful sale price for the processed food product less (1) that proportion of the sale price which the processor received under the last "cooperative sales contract" which the grower and processor entered into prior to April 28, 1942, and (2) the costs of labor, processing, selling, financing, handling, supplies or taxes, as specified under that contract.

In cases where no such contract was entered into by the grower and processor prior to that date, the grower's maximum price for the fresh product shall be the processor's lawful sale price for the processed food product less (1) that proportion of the sale price which the processor received under the last "cooperative sales contract" which the processor entered into prior to April 28, 1942, with any grower, and (2) the costs of labor, processing, selling, financing, handling, supplies or taxes, as specified under the contract.

In cases where no such contract was entered into by the processor prior to April 28, 1942, with any grower, the grower's maximum price for the fresh product shall be the processor's lawful sale price for the processed food product less (1) that proportion of the sale price which the nearest processor, who bought that kind of fresh product from growers on a "cooperative basis" before April 28, 1942, received under the last "cooperative sales contract" which he entered into prior to that date, with any grower, and (2) the costs of labor, processing, selling, financing, handling, supplies or taxes, as specified under that contract.

However, in no event shall the grower's maximum price be less than the maximum price otherwise applicable under sections 3, 4 and 5.

"Cooperative basis" means pursuant to a "cooperative sales contract."

"Cooperative sales contract" means a contract of purchase and sale of fresh fruits, berries and vegetables under which the processor agrees to return to the seller all receipts from the sale of the processed food product after the deduction of (1) the cost of labor, processing, selling, financing, handling, supplies or taxes, as specified under the contract, and (2) a dollars-and-cents or percent-

¹ 8 F.R. 9303, 19879, 12632, 14154, 15674, 16293.

age figure named in the contract, as compensation to the processor.

This amendment shall become effective as of July 5, 1943, except that as to cooperative sales contracts made on or after November 20, 1944, it shall become effective November 20, 1944.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

Approved: November 13, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-17754; Filed, Nov. 20, 1944;
11:45 a. m.]

PART 1499—COMMODITIES AND SERVICES [Rev. SR 1 to GMPR, Amdt. 85]

CHANNEL CARBON BLACK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 5.2 (j) is added to read as follows:

(j) Channel carbon black sold by Defense Supplies Corporation.

This amendment shall become effective November 25, 1944.

Issued this 20th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17753; Filed, Nov. 20, 1944;
11:44 a. m.]

Chapter XIV—War Contracts Price Adjustment Board

RENEGOTIATION REGULATIONS

The changes and additions to Parts 1602, 1603, 1607 and 1608 of this chapter set forth below are also contained in Revision 12 of the Renegotiation Regulations, dated November 4, 1944.

ALBERT J. BROWNING,
Brigadier General,
General Staff Corps,
Chairman.

PART 1602—PROCEDURE FOR RENEGOTIATION SUBPART E—COMPLETION OF RENEGOTIATION

Paragraph (c) is added to § 1602.254 as follows:

§ 1602.254 Progress reports. * * *

(c) The several Departmental Boards will prepare and furnish to the Assignments and Statistics Branch a Departmental Report of Recoveries Effected by Statutory Renegotiation (Form WCPAB-4, see § 1607.751 (i)) signed by a member of the Departmental Board submitting the Report. Such Report will be furnished at the times required in the relevant instructions (see § 1607.751 (j)). [RR 254]

*Copies may be obtained from the Office of Price Administration.

PART 1603—DETERMINATION OF RE- NEGOTIABLE BUSINESS AND COSTS

SUBPART D—MANDATORY EXEMPTIONS AND EXCLUSIONS FROM RENEGOTIATIONS

1. In subparagraph (2) (ii) of § 1603.344 (c), the words "Department conducting the renegotiation", are substituted for "Board," so that subparagraph (2) as amended reads as follows:

§ 1603.344 *Contracts and subcontracts for certain raw materials and agricultural commodities. * * **

(c) *Cost allowance for raw materials and agricultural commodities in the case of integrated producers. * * **

(2) *Interpretation and application.* Where a contractor (i) processes, refines, or treats a product of a mine, oil or gas well, or other mineral or natural deposit, or timber, to the first form or state suitable for industrial use, and further refines, processes or treats such product beyond the first form or state suitable for industrial use in order to perform his contract, or (ii) produces or acquires an agricultural product and processes, refines or treats such agricultural product to and beyond the first form or state in which it is customarily sold or in which it has an established market, then in such cases for the purposes of statutory renegotiation the product will be treated as an item of cost of the performance of such contract in such amount as, in the opinion of the Department conducting the renegotiation, fairly represents a properly applicable allowance. In determining the proper allowance, due consideration shall be given to the established sale or market price where there is a representative market for the product in the exempt state, and to such other factors as may be necessary to reflect the purpose and intent of the statutory exemption. In general it is the purpose and intent of this provision to allow to the contractor engaged in an integrated process of the type described, an item of cost substantially equivalent to that granted by the statute to others who sell an exempt product, namely what he could have realized if he had sold the exempt product at the intermediate stage. [RR 344.3]

2. In § 1603.346 (b), subparagraph (4) is amended to read as follows:

§ 1603.346 *Construction contracts awarded as a result of competitive bidding. * * **

(b) *Interpretation and application of exemption. * * **

(4) Determination whether this exemption is applicable to any particular prime contract shall be made, upon the basis of the principles referred to in the preceding subparagraphs of this paragraph, by the renegotiation agency of the Department or Service conducting the renegotiation in which such contract is involved, except as provided in § 1603.347 (b) (2). The renegotiation agency of each Department or Service shall maintain a central file with respect to determinations made by it as to the exempt or non-exempt status of prime contracts. [RR 346]

3. In § 1603.347 (b), subparagraph (2) is amended to read as follows:

§ 1603.347 *Subcontracts under exempt contracts and subcontracts. * * **

(b) *Interpretation and application of exemption. * * **

(2) In any case in which the renegotiable status of a subcontract depends upon the exempt or non-exempt status (by reason of the possible application of § 1603.346 (b)) of a prime contract, the procedure shall be as follows: The Department or Service conducting the renegotiation in which such subcontract is involved shall make direct inquiry of the renegotiation agency of the Department or Service to which the contractor having the prime contract has been assigned for renegotiation, as to any determination made with respect to the exempt or non-exempt status of such prime contract. If no such determination has been made, then the renegotiation agency of the Department or Service to which the prime contractor is assigned (or was assigned, if the assignment has been cancelled) for renegotiation shall, as expeditiously as possible and without awaiting completion of renegotiation with the prime contractor, determine the exempt or non-exempt status of such prime contract and shall promptly advise the Department or Service conducting the renegotiation in which the subcontract in question is involved. If the prime contractor has not been, and will not be, assigned for renegotiation, the Department or Service conducting the renegotiation in which such subcontract is involved shall make direct inquiry of the renegotiation agency of the Department or Service which awarded the prime contract, which shall promptly make a determination of the exempt or non-exempt status of such prime contract and advise the Department or Service conducting the renegotiation in which such subcontract is involved. A determination made with respect to the exempt or non-exempt status of the prime contract shall be controlling with respect to the exempt or non-exempt status of the subcontract.

SUBPART E—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

1. In § 1603.355, paragraph (c) (4) is amended to read as follows:

§ 1603.355 *Contracts and subcontracts when effective competition is likely to exist. * * **

(c) *Application of exemption to construction contracts and subcontracts. * * **

(4) Determination whether this exemption is applicable to any particular prime contract shall be made, upon the basis of the principles referred to in the preceding subparagraphs of this paragraph, by the renegotiation agency of the Department or Service conducting the renegotiation in which such prime contract is involved. The renegotiation agency of each Department or Service shall maintain a central file with respect to determinations made by it as to the exempt or non-exempt status of prime contracts. In any case in which the re-

§ 1607.751 *Progress and operations reports.* * * *

(i) *Form No. WCPAB-4 (Report of Recoveries Effected by Statutory Renegotiation.)*

WCPAB-4 Departmental Report of Recoveries effected by statutory renegotiation.

Close of Friday
From: _____
(Department)

To: War Contracts Price Adjustment Board,
Attention: Assignments and Statistics
Branch, WDPAB.
Statistics and Progress Section.

This Department has entered into legally effective agreements and issued unilateral determinations providing for recoveries of excessive profits in the amounts stated below. The figures given are cumulative totals complete up to and including _____

Recoveries from contractors with fiscal years end- ing in:	Agreements	Unilateral Determinations
1941-1942-----	\$-----	\$-----
1943*-----	\$-----	\$-----
1944*-----	\$-----	\$-----
Total -- \$-----		\$-----

*After deduction of State taxes determined to be applicable to nonexcessive profits.

(Department)
PRICE ADJUSTMENT BOARD
By _____
(Member)

[RR 751.9]

(j) *Instructions for preparation of Departmental Report of Recoveries Effected by Statutory Renegotiation (Form WCPAB-4).*

INSTRUCTIONS FOR THE PREPARATION OF DEPARTMENTAL REPORT OF RECOVERIES EFFECTED BY STATUTORY RENEGOTIATION (WCPAB-4)

The Departmental Report of Recoveries Effected by Statutory Renegotiation will be submitted at the close of business every fourth Friday beginning as of Friday, 17 November 1944.

1. Navy Department—Price Adjustment Board
2. Navy Department—Office of the General Counsel
3. Maritime Commission—Price Adjustment Board
4. Reconstruction Finance Corporation—Price Adjustment Board
5. Treasury Department—Price Adjustment Board
6. War Shipping Administration—Price Adjustment Board

to the War Contracts Price Adjustment Board through the Assignments and Statistics Branch of the War Department Price Adjustment Board. The report will show by fiscal years the cumulative total of recoveries pursuant to legally effective agreements and the cumulative total of recoveries pursuant to legally effective issued unilateral determinations and will be signed by a member of the Departmental Board submitting the report.

[RR 751.10]

SUBPART I—ADDRESSES

1. In § 1607.791, paragraphs (c) and (e) are amended to read as follows:

§ 1607.791 *War Contracts Price Adjustment Board.* * * *

(c) *Office of General Counsel.*

War Contracts Price Adjustment Board, Attention: Mr. Frederick W. R. Pride, general

counsel, Room 126, Premier Building, 718 18th Street, NW., Washington 25, D. C.; Tel. Republic 7400, Ext. 62022 or 2029.

[RR 791.3]

(e) *Pentagon Office.*

Room 3D 573, The Pentagon, Washington 25, D. C.; Tel. Republic 6700, Ext. 73636.

[RR 791.5]

2. In § 1607.792 the name of Commander A. G. Rydstrom is changed to read "Mr. A. G. Rydstrom" as follows:

§ 1607.792 *Departmental Price Adjustment Boards.* * * *

Maritime Commission Price Adjustment Board, Attention: Mr. A. G. Rydstrom, Room 512, Electrical Workers Building, 1200 15th Street, NW., Washington 5, D. C.; Tel. Executive 3340, Ext. 606 or 607.

3. In § 1607.793, the following changes are made:

a. Paragraph (a) is amended by substituting "M. & S." for "M. M. & D." in the address of the AAF Price Adjustment Branch; in the address of the Chief of Chemical Warfare, the name of Major Robert M. Estes is changed to read "Lt. Col. Robert M. Estes"; and the address for the Chief of Ordnance is amended, as follows:

§ 1607.793 *War Department Price Adjustment Sections.*

(a) *Headquarters. Price Adjustment Branch, Control Office, AC/AS M. & S., Army Air Forces, Room 5C 964, The Pentagon, Washington 25, D. C.; Tel. Republic 6700, Exts. 72209, 4420, 4577.*

The Chief of Chemical Warfare, Attention: Lt. Col. Robert M. Estes, Purchase Policies Branch, Baltimore Sub-Office, OC CWS, 200 West Baltimore Street, Baltimore 1, Maryland; Tel. Lexington 0710.

The Chief of Ordnance, Attention: Lt. Col. John M. Marble, Price Adjustment Branch, Room 5D 400, The Pentagon, Washington 25, D. C.; Tel. Republic 6700, Ext. 2283.

b. In paragraph (b) (3) the addresses of the Pittsburgh Ordnance District and the Rochester Ordnance District are amended to read as follows:

(b) *Field offices of Price Adjustment Sections.* * * *

(3) *Ordnance Department.* * * *
1202 Chamber of Commerce Building,
Pittsburgh 19, Pennsylvania, Tel. Grant
5986.

1242 Mercantile Building, Rochester 4, New York, Tel. Stone 3203.

PART 1608—TEXT OF STATUTES, ORDERS,
JOINT REGULATIONS AND DIRECTIVES

SUBPART D—EXEMPTIONS

1. In § 1608.841 (a), "Bentonite * * *" and "Dolomite * * *" are added in alphabetical order and "Tungsten ore * * *" is amended, as follows:

§ 1608.841 *Raw material exemption.* * * *

(1) The term "exempted products", as used in this regulation, shall mean any of the following products:

Bentonite, dried, crushed, granulated and pulverized.

Dolomite; crushed dolomite.

Tungsten ore and concentrates; sodium tungstate; ferrotungsten; tungsten metal, including powder; tungstic oxide; tungstic acid.

2. In § 1608.842, paragraph (e) and (f) are redesignated (f) and (g), respectively, and a new paragraph (e) is added as follows:

§ 1608.842 *Public utility exemptions.* * * *

(e) *Public utilities; furnishing of water or removal of sewage.* (1) Pursuant to subsection (i) (4) of the Renegotiation Act of 1943 (including subsection (i) (4) (B) and (i) (4) (F)) the following classes and types of contracts and subcontracts are exempt to the extent provided in this paragraph from all of the provisions of the Renegotiation Act of 1943:

(i) Any contract or subcontract with a public utility for the furnishing of water or the removal of sewage, except that if the amounts received or accrued under any such contract or subcontract during any particular fiscal year were \$10,000 or more, amounts received or accrued under such contract or subcontract for such fiscal year shall not be exempt from renegotiation by reason of this subdivision (i). (If such fiscal year is a fractional part of twelve months, the \$10,000 amount shall be reduced to the same fractional part thereof for the purposes of this subdivision (i)).

(ii) Any subcontract with a public utility for the furnishing of water or the removal of sewage without regard to the amounts received or accrued thereunder during any fiscal year, except that:

(a) If such subcontract for water or the removal of sewage is with a contractor having a contract with a Department providing for the reimbursement by a Department of costs of the contractor incurred under such subcontract for water or the removal of sewage, or

(b) If a Department has contracted to pay or guarantee payment of amounts payable under such subcontract for water or the removal of sewage,

then in either such case such subcontract for water or the removal of sewage shall not be exempt from renegotiation by reason of this subdivision (ii). [RR 842.5]

[F. R. Doc. 44-17685; Filed, Nov. 18, 1944; 11:01 a. m.]

TITLE 38—PENSIONS, BONUSES AND
VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICE-
MEN'S READJUSTMENT ACT OF 1944

OPERATIONS OF READJUSTMENT ALLOWANCE
OFFICE, SAN JUAN, PUERTO RICO

- Sec.
- 36.533 Instructions governing operations of Puerto Rico office.
- 36.534 Definitions.
- 36.535 Filing of claims for allowances.
- 36.536 Extended period for registration and filing claims for good cause.
- 36.537 Determination of suitability of employment offered.

- Sec.
 36.538 Determination of good cause for quitting, refusing to apply for, or accept suitable work.
 36.539 Determination and review of claims.
 36.540 Time and frequency of allowance payments.
 36.541 Allowance checks.
 36.542 Allowances to the self-employed.
 36.543 Appeal from the initial readjustment allowance determination.
 36.544 Appeal from decision of the chief of allowances.
 36.545 Notice of hearings and transmittal of decisions.
 36.546 Representation before the chief of allowances or the manager.
 36.547 Non-disclosure of information.
 36.548 Appeal to the Administrator.

AUTHORITY: §§ 36.533 to 36.548, inclusive, issued under 58 Stat. 284.

§ 36.533 *Instructions governing operations of Puerto Rico Office.* The provisions of §§ 36.501-36.522, as modified herein, shall govern operations of the Readjustment Allowance Office, Puerto Rico, established by Veterans' Administration Order No. 42 of September 6, 1944.

§ 36.534 *Definitions.* (a) "Agency", as used in §§ 36.501-36.522, includes the Readjustment Allowance Office, Puerto Rico.

(b) "Manager" means the individual administratively responsible for the operation of the Readjustment Allowance Office, Veterans' Administration, Puerto Rico.

(c) "Main office" means the principal office of the agency at San Juan, Puerto Rico.

(d) "Local office" means an office, either stationary or itinerant, established for the purpose of carrying out the provisions of Title V of the act, and the regulations issued pursuant thereto.

(e) "Employment office" means a free public employment office operated by the United States Employment Service.

(f) "Itinerant service" means a service with respect to the payment of allowances maintained by either the Readjustment Allowance Office, Puerto Rico, or the United States Employment Service.

(g) "Week of unemployment" means a week during which a person performed no service and received no wages, or one during which he worked less than a full work week due to lack of work and earned less than \$23.

(h) "Week" and "work week" mean a period of seven consecutive days commencing Sunday and ending at midnight, Saturday.

§ 36.535 *Filing of claims for allowances.* (a) A person in the vicinity of an employment office shall present himself at such office and register for work and file his claim for allowances. The effective date of such registration and claim for allowances shall be the first day of the week in which he files his claim, except that registration at such employment office within a period of seven days following an individual's first day of unemployment shall be deemed effective as of the first day of the week in which the individual's termination of employment occurred if good cause to justify or

excuse the delay is shown. When a claimant's allowances cannot be determined due to absence or incompleteness of the discharge or separation paper, or in the presence of a claim or indication of insanity as provided in the first proviso, section 300, Public No. 346, 78th Congress, the claimant's application (Form 1382) together with a statement of the facts shall be forwarded to the Veterans' Claims Service, Veterans' Administration, Washington 25, D. C., for appropriate action. The section of the act just cited relates to a discharge or dismissal which bars benefits and provides: "That in the case of any such person, if it be established to the satisfaction of the Administrator that at the time of the commission of offense such person was insane, he shall not be precluded from benefits to which he is otherwise entitled under the laws administered by the Veterans' Administration."

(b) A person in a locality wherein itinerant service is provided may register for work and file a claim for allowances with such itinerant service. His registration shall be effective as of the first day of the week of unemployment in which his registration occurs, except that the effective date of his claim shall be the first day of the week in which his termination of employment occurred if he registers for work with such itinerant service at its first regular visit following his termination of employment, or at its second regular visit, provided good cause is shown for his failure to register at the first regular visit.

(c) A person in a locality designated as one wherein registration for employment and filing of claims may be made by mail, may register and file his claim by forwarding his discharge or separation paper to and requesting the required registration and allowance claim forms from the main office. If such person completes and remails such forms not later than seven days following the date upon which they were mailed to him by the agency, his claim shall be effective as of the first day of the week in which he mailed his written request. If he fails to complete and mail his registration within the period above prescribed, his registration shall be effective as of the first day of the week in which such completed forms were mailed, *Provided, however*, That for good cause shown, the agency may permit such registration to be effective as first provided above.

(d) To maintain continuing eligibility for allowances with respect to any week of unemployment during any continuous period of unemployment, an individual shall continue to register and report as provided in paragraphs (a), (b) and (c) of this section, once each week at a time designated by the agency, or at intervals of more or less than one week when so directed by the agency. No continued claim for allowances shall be allowed until the claimant shall furnish to the agency a signed continued claim for allowances on the form prescribed.

§ 36.536 *Extended period for registration and filing claims for good cause.* (a) If the failure of any person to register and file a claim for allowances within

the time set forth in these regulations was due to failure of the agency to discharge its responsibilities promptly in connection with such claim, the period during which such claim may be filed shall be extended to a date which shall be not less than one week after the person has received appropriate notice from the agency of his potential rights to allowances.

(b) The agency may for good cause shown to its satisfaction waive the registration requirements herein provided and further extend the time during which registration for allowances may be made: *Provided, however*, That no extension may be granted beyond the period of limitation for payment of allowance provided in section 700 (a) of the act.

§ 36.537 *Determination of suitability of employment offered.* In determining whether or not any work is suitable for any person claiming allowances, consideration shall be given, but not limited, to the following factors:

The degree of risk involved to his health, safety and morals.

His physical fitness.

His prior training, earnings and experience.

His prospects of securing work in keeping with his prior training, experience and earnings.

The distance of the available proffered work from his residence.

The length of his unemployment.

Under no condition will work be determined suitable if, as a condition of being employed, the claimant would be required by a prospective employer to join a company union or to resign from or to refrain from joining a bona fide labor organization.

§ 36.538 *Determination of good cause for quitting, refusing to apply for, or accept suitable work.* In determining whether any person claiming allowances has good cause for quitting suitable work, failing to apply for or accept suitable work, consideration shall be given, but not limited, to the following factors:

Did the claimant act as a reasonable, prudent and careful person would have acted under the same or similar conditions?

Under no condition shall the question of good cause for quitting, for refusing to apply for, or accept work be confined to the employment itself, but may rest upon reasons entirely personal to the claimant. The personal reasons must be substantial, such as the preservation of home, family and its education; claimant's health, age and percentage of disability; health of the dependents of the claimant; the preservation of useful skills, etc.

§ 36.539 *Determination and review of claims.* (a) Claims for allowances shall be promptly determined on the basis of the facts presented. Notice of such determination shall be promptly given to each claimant. Such notice to the claimant shall advise him of the number of weeks of potential allowances and other data pertinent to his allowances, and if disqualified, the time and reason for such disqualification. If a claimant is ineligible, he shall be advised of such ineligibility and the reason therefor. Unless the claimant, within seven days after the delivery of such notification, or within ten days after such notification was mailed to his last known address, files with the agency a written re-

quest for review of or an appeal from such determination, it shall be final: *Provided*, That if the claimant subsequently, within the time limits provided in section 700 of the act, presents additional facts revealing his eligibility to allowances, a redetermination of the claim shall be made.

(b) Upon receiving a written request for review, the agency may, on the basis of such facts as it may have in its possession or may acquire, affirm, modify, or reverse the prior decision, or refer the claim to the chief of allowances. The claimant shall be promptly notified of such decision or referral. Unless the claimant files an appeal within seven days after the date of mailing or within five days after delivery of such notification, such latter decision shall be final and allowances shall be paid or denied in accordance therewith.

§ 36.540 *Time and frequency of allowance payments.* Allowances shall be paid at intervals of one week.

§ 36.541 *Allowance checks.* Vouchers covering allowances certified by the agency will be forwarded for payment to the designated office of the Division of Disbursement, Treasury Department, San Juan, Puerto Rico.

§ 36.542 *Allowances to the self-employed.* The duties imposed upon the readjustment allowance agent under § 36.514 of this chapter will be discharged for the agency by the chief of allowances or the senior claims examiner.

§ 36.543 *Appeal from the initial readjustment allowance determination.* (a) Appeals from initial readjustment allowance determinations shall be heard and decided by the chief of allowances. The person appealing shall file a written notice of appeal with the main office of the agency, or at the nearest employment office, which may be:

(1) Upon an appeal form provided by the agency, or

(2) A writing setting forth:

(i) The name of the appellant.

(ii) The name and serial number of claimant.

(iii) The grounds upon which the appeal is made; *Provided*, That nothing herein contained shall limit the issues presented at the hearing to the grounds for appeal submitted by the appellant.

(b) All hearings shall be conducted informally and in such manner as to ascertain the substantial rights of the parties. All issues relevant to the appeal shall be considered and passed upon. Any other party to an appeal before the chief of allowances may present such evidence as may be pertinent. The chief of allowances may take such additional evidence as he deems necessary. The testimony of all parties and witnesses shall be given under oath.

(c) The parties to an appeal, with the consent of the chief of allowances, may stipulate as to the facts involved. He may decide the appeal on the basis of such stipulation, or, in his discretion, may set the appeal for hearing and take such further evidence as he deems necessary to enable him to render his decision.

(d) The chief of allowances may indicate to the reporter portions of the evidence which he wishes transcribed to aid him in preparing his findings of fact and decision.

(e) The chief of allowances is authorized to grant or deny requests for adjournment or continuance of a hearing. If any party to a hearing fails to appear at the appointed time and place of hearing and has not requested a continuance or postponement showing good cause, prior to the time of the hearing, the chief of allowances in his discretion may continue the hearing to a later date or write his decision on the facts of record.

(f) The claimant and any other interested parties shall be notified promptly in writing of the decision and such decision shall be final unless within thirty days after the date of the mailing of the notice to the last known address, or in the absence of such mailing, within thirty days after the delivery of such notice, a written appeal by the claimant is filed with the agency.

§ 36.544 *Appeal from decision of the chief of allowances.* (a) Appeals from the decision of the chief of allowances will be heard and decided by the manager. The claimant's appeal shall be filed with the main office of the agency or at the nearest employment office and may be presented upon an appeal form provided by the agency, or may be in any written form that sets forth:

(1) The name and serial number of the claimant.

(2) The grounds upon which the appeal is made, *Provided*, however, That nothing herein contained shall limit the issues presented at the hearing to the grounds for appeal submitted by the appellant. The claim may contain references to or excerpts from the original minutes on the appeal before the chief of allowances.

(b) The acceptance of an appeal from a party other than the claimant will be conditioned upon such party obtaining prior authorization from the manager. This may be obtained by filing a notice of application for leave to appeal. Unless the notice of application discloses a direct relation to the case and sets forth the specific grounds for the application, the manager will deny the request.

(c) The manager in his discretion may decide the appeal upon the record, may take additional evidence or remand the issue or issues to the chief of allowances for the purpose of taking additional evidence.

(d) In the hearing of an appeal the manager may limit the parties to oral argument, or the filing of written argument, or both. If, in the discretion of the manager, additional evidence is necessary, the parties shall be notified by the manager, in writing, of the time and place such evidence will be taken. Any party to any proceeding in which testimony is taken may present such evidence as may be pertinent to the issue on which the manager directed the taking of evidence.

(e) If the manager should remand any issue or issues to the chief of allowances, additional evidence shall be taken by him

in the manner prescribed for the conduct of hearings on appeals.

(f) The decision of the manager shall be in writing and shall set forth his finding of fact, the reason for his decision, and his decision. Each interested party shall be promptly notified of the decision by mailing a copy of such decision to such party's last known address.

§ 36.545 *Notice of hearings and transmittal of decisions.* (a) Notices of hearings, specifying the time and place, shall be mailed by either the chief of allowances or the manager, as appropriate, to all interested parties at least seven days before the date of the hearing. Such notice shall set forth the reasons for such appeal as submitted by the appellant and shall be deemed good and sufficient if mailed to the last known address of each of the interested parties.

(b) The decision or the letter transmitting the decision to the interested parties shall set forth the rights of such parties to further appeal and the time limits relative thereto.

(c) One copy of all appeals decisions shall be forwarded to the chief, readjustment allowance division.

§ 36.546 *Representation before the chief of allowances or the manager.* The veteran, or his authorized representative, and any person having a direct relation to the case may appear in any proceedings before the chief of allowances or the manager. The Administrator (by attorney or other representative) shall be deemed an interested party to any hearing. Hearings before the chief of allowances or the manager shall not be open to the public.

§ 36.547 *Non-disclosure of information.* All matters relative to an application for allowances shall be treated as confidential and shall not be open to public inspection. Any interested party may have access to as much of the record as is necessary to prosecute a claim or appeal.

§ 36.548 *Appeal to the administrator.* Any interested party may appeal to the Administrator from the decision of the manager. Such appeal shall be in writing and be made within sixty (60) days from the date of mailing of the decision of the manager to the party's last known address.

[SEAL]

FRANK T. HINES,
Administrator.

NOVEMBER 8, 1944.

[F. R. Doc. 44-17665; Filed, Nov. 17, 1944;
4:18 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter II—U. S. Children's Bureau

PART 202—SERVICES FOR CRIPPLED CHILDREN

SUBMISSION OF STATE PLANS

Pursuant to the authority granted by section 1102, 49 Stat. 647, 42 U.S.C. 1302; section 513, 49 Stat. 632, as amended by section 506, 53 Stat. 1381, 42 U.S.C. 713, the following amendment to § 202.4 of

the regulations (42 CFR, Part 202) relating to services for crippled children is herewith issued:

Section 202.4 is amended by inserting, after the second sentence thereof, the following provisions: "Effective July 1, 1945, it shall be a condition of approval of a plan that it provide that diagnostic services will be made available thereunder to crippled children without restrictions as to race, color, creed, economic status, legal residence, age (except as to persons above the maximum age for which such services are legally available within the State), the necessity of referral by any person other than the child's parents or legal guardian, or similar restrictions inconsistent with the free availability of such services."

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; sec. 513, 49 Stat. 632, as amended by sec. 506, 53 Stat. 1381, 42 U.S.C. 713)

[SEAL] FRANCES PERKINS,
Secretary.

NOVEMBER 17, 1944.

Approval recommended:

KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 44-17741; Filed, Nov. 20, 1944;
11:03 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 12—ADMINISTRATION OF NATIONAL WILDLIFE REFUGES; GENERAL REGULATIONS

PRODUCTION OF OIL, GAS AND OTHER MINERALS

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, and section 10 of the Migratory Bird Conservation Act of February 18, 1929, 45 Stat. 1222, as amended, the following regulations governing prospecting or drilling for oil, gas, or other minerals and the production of such minerals under reservations contained in conveyances to the United States of lands for national wildlife refuge purposes are prescribed. These regulations shall apply only in those instances where the reservation of rights specify operation thereunder are to be carried on subject to regulations by the Secretary of the Interior, and any leases made by grantor, its successors or assigns after the adoption of these regulations shall specifically refer to these regulations.

§ 12.21 *Regulations governing the prospecting or drilling for oil, gas, or other minerals under reservations in contracts for the acquisition of lands for national wildlife refuge purposes.* (a) The exploration by the grantor, its successors or assigns, drilling for, the development of, and the transportation or removal of mineral resources, including oil, and the control of abandoned wells or wells taken out of production, shall be conducted by the most approved methods, with paramount consideration being given to the minimum of human occupancy, housing facilities for the same,

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structures erected for drilling, development, transportation or removal of mineral resources, the methods and devices used for the purposes of preventing pollution and contamination by both oil or field brine and other oil field contamination or damage of the lands for the purpose for which they are being acquired. All equipment used by the grantor, its successors or assigns that would engender such pollution or contamination, such as pumps, valves, hose, hose connections, tanks, and pipe lines, must be such as to prevent leakage or waste, and any inevitable waste in proximity to the source must be so confined as to prevent escape that might otherwise occur as a result of rains or high water.

Suitable provision must be made for the removal of oil field brine from the area, by pipe line or any other approved method, so as not to contaminate the lands or the water in the ponds or lakes now created or that may hereafter be created. In the event such damage arises to the lands or water, or lands and water, within the limits of the area covered by the reservation, the Secretary of the Interior will be the sole authority in determining the extent of the damage immediately apparent or that may be reasonably anticipated growing out of the leakage or waste of oil, or oil field brine and other field contamination.

(b) The grantor, its successors and assigns, agents and employees, shall not knowingly disturb, damage, or destroy any notice, sign board, fence, building, ditch, dam, dike, embankment, flume, spillway, or other improvements or property of the United States within or beyond the limits of the area covered by the reservation and all such property so damaged or destroyed shall be replaced at the option of the Secretary of the Interior by the Department at the cost of the grantor or by the grantor, nor shall the grantor, its successors and assigns, agents and employees, take any bird, nest, or egg, thereof on the area being acquired, or any other wildlife species except by written permission of the Secretary of the Interior or his duly authorized agent, the Director of the Fish and Wildlife Service.

(c) The paramount purpose of the Government in acquiring such areas was the creation of sanctuaries for, and the protection of wildlife thereon and the grantor and all parties in interest under its reservation are required to conform to, and be governed by the rules and regulations pertaining to the protection of wildlife prescribed from time to time by the Secretary of the Interior or his authorized agent, the Director of the Fish and Wildlife Service, except that such regulations shall not restrain the exercise and use by the grantor, its successors and assigns, of the right set out in its reservation, under the general supervision of the Director of the Fish and Wildlife Service or his representatives.

OSCAR L. CHAPMAN,
Assistant Secretary.

NOVEMBER 14, 1944.

[F. R. Doc. 44-17670; Filed, Nov. 18, 1944;
9:57 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

CAROLINA FIREWORKS CO.

ORDER SUSPENDING PROCEEDINGS FOR REVOCATION OF LICENSE

To: C. C. Braswell, Carolina Fireworks Company, 2412 Kenmore Avenue, Charlotte, North Carolina.

Proceedings for the revocation of the Federal explosives licenses, issued under the Federal Explosives Act of December 26, 1941 (55 Stat. 863), to the above-named licensee, were instituted on July 26, 1944, by the filing of a Specification of Charges setting forth alleged violations of the act and regulations by C. C. Braswell. Following receipt of a reply from the licensee, a hearing was held on the charges on September 6, 1944, in Washington, D. C., before the hearing officer duly designated by me. The licensee appeared for himself, and evidence bearing upon the charges was presented. In response to a request by the hearing officer, on September 8, 1944, the licensee sent him a copy of his stock record between January 1, 1944, and January 4, 1944, inclusive.

The hearing officer filed a report dated September 29, 1944, stating findings of fact and conclusions of law that the licensee had, in all the instances charged, violated the act and the regulations, but that the licensee's method of storing his fireworks, referred to in the third charge, in the particular circumstances, afforded the greatest feasible measure of safety and protection to the fireworks. The hearing officer recommended that the licensee be found guilty of violating Charges 1 and 2; that the requirements of § 301.26 (a) of the regulations be modified insofar as the licensee is concerned by approving his present method of storing fireworks, and that Charge No. 3 be dismissed; and that these proceedings for the revocation of C. C. Braswell's licenses be suspended as long as the licensee complies with the provisions of the Federal Explosives Act and the regulations issued thereunder, but that, should he fail to comply with any of the provisions of the act or the regulations, these proceedings be reopened and the licenses then possessed by C. C. Braswell be revoked. A copy of the hearing officer's report, together with notification of the transmittal of the case record and hearing officer's report to me, were sent to the licensee on September 29, 1944, and he was advised that he was allowed 15 days from the date of the receipt thereof to file such exceptions to the report or to any other part of the record or proceedings (including rulings upon all motions and objections) as he might desire and a brief in support of his exceptions. The licensee was also advised of his right to request permission to argue the matter orally before me. The time granted to the licensee within which to file exceptions and brief, allowing a reasonable time

for the delivery of the notice, has expired and the only communication received from the licensee, a letter dated October 31, 1944, contained no exceptions to the report.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act and section 301.22 of the regulations issued pursuant thereto (7 F.R. 5901), I, R. R. Sayers, Director of the Bureau of Mines, having reviewed the record, order:

1. That the hearing officer's report, including its findings, conclusions and recommendations be and it is hereby approved and adopted as my own;

2. That the requirements of § 301.26 (a) of the regulations be modified insofar as C. C. Braswell is concerned to the extent necessary to permit him to continue to store fireworks in his present manner; and that Charge No. 3 be and it hereby is dismissed;

3. That these proceedings for the revocation of Federal Explosives Licenses issued to C. C. Braswell be and they are hereby suspended, subject to being reopened and used as a basis for the revocation of any Federal explosives licenses possessed by C. C. Braswell if he shall fail to comply hereafter with any of the provisions of the act and the regulations issued thereunder.

Dated at Washington, D. C., this 17th day of November, 1944.

R. R. SAYERS,
Director.

[F. R. Doc. 44-17736; Filed, Nov. 20, 1944;
9:49 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD-44]

SORDONI CONSTRUCTION CO., INC.

FINDING AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of Sordoni Construction Co., Inc., Forty Fort, Pennsylvania; Case No. S-1448.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. no. 89, 78th Cong., 1st Sess.) and the Directive of the President dated August 10, 1943 published in the FEDERAL REGISTER, August 14, 1943, and

Having been advised of the existence of a labor dispute involving Sordoni Construction Company, Inc., Forty Fort, Pennsylvania;

I find that the construction and maintenance of transmission lines and other construction and maintenance work performed by the Sordoni Construction Company, Inc., of Forty Fort, Pennsylvania, pursuant to contracts, oral or written, with the Pennsylvania Electric Company, Bethlehem Steel Company and public utilities and coal companies in Pennsylvania, are contracted for in the prosecution of the war within the mean-

ing of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 16th day of November 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-17707; Filed, Nov. 18, 1944;
11:27 a. m.]

[WLD-43]

GRAIN HANDLING CO.

FINDING AS TO CONTRACT IN PROSECUTION OF WAR

In the matter of Grain Handling Co., Buffalo, New York (Case No. S-1428).

Pursuant to section 2 (b) (3), of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the directive of the President dated August 10, 1943 published in the FEDERAL REGISTER, August 14, 1943, and

Having been advised of the existence of a labor dispute involving the Grain Handling Company, Buffalo, New York;

I find that the handling of grain by the above company incidental to its transportation by the Great Lakes Steamship Company, Cleveland, Ohio, Brown Steamship Company, Buffalo, New York, etc., pursuant to contracts with the Commodity Credit Corporation covering the purchase of lend-lease supplies and other commodities, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 18th day of November 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-17740; Filed, Nov. 20, 1944;
11:03 a. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Alabama Textile Products Corporation, Crestview, Florida; drawers, cotton shorts; 10 percent (AT); effective November 13, 1944, expiring May 12, 1945.

Union Underwear Company, Incorporated, Frankfort, Kentucky; men's and boys' cotton shorts from woven fabric; 10 percent (AT); effective November 13, 1944, expiring May 12, 1945.

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Alabama Textile Products Corporation, Andalusia, Alabama; shirts, men's cotton shirts; 10 percent (T); effective November 10, 1944, expiring November 9, 1945.

Artcraft Shirt Company, Incorporated, Lewistown, Pennsylvania; men's shirts; 10 percent (T); effective November 17, 1944, expiring November 16, 1945.

Atlanta Knitting Mills, Catskill, New York; cotton polo shirts, woven underwear; 10 percent (T); effective November 17, 1944, expiring November 16, 1945.

Central Wash Suit Company, Incorporated, Broad and Wayne Streets, Haverstraw, New York; children's snowsuits, slacks, shorts, wash suits, misses' and ladies' outerwear; 5 percent (T); effective November 11, 1944, expiring November 10, 1945.

Charming Lady Cottons, Incorporated, 1727 Broad Street, South Greensburg, Pennsylvania; women's and children's cotton dresses; 10 percent (T); effective November 13, 1944, expiring November 12, 1945.

Colonial Manufacturing Company, Throop, Pennsylvania; ladies' and children's cotton aprons and slips; 10 learners (T); effective November 13, 1944, expiring November 12, 1945.

Emaus Shirt Company, Incorporated, Elm and Moyer Streets, Emmaus, Pennsylvania;

shirts; 10 percent (T); effective November 13, 1944, expiring November 12, 1945.

Emaus Shirt Company, Incorporated, Keystone Avenue and Ridge Street, Emmaus, Pennsylvania; pajamas; 10 percent (T); effective November 17, 1944, expiring November 16, 1945.

Glaser Brothers, Incorporated, Eldon, Missouri; trousers, coats and mackinaws; 10 percent (T); effective November 13, 1944, expiring November 12, 1945.

Jean Lang Dress Company, 22 North Third Street, Minneapolis, Minnesota; ladies' dresses; 10 learners (T); effective November 15, 1944, expiring November 14, 1945.

Kiyer Garment Company, Incorporated, 179-185 Delaware Avenue, Palmerton, Pennsylvania; house dresses and housecoats; 10 learners (T); effective November 15, 1944, expiring November 14, 1945.

MacSmith Garment Company, Incorporated, 28th Street, Gulfport, Mississippi; men's cotton dress shirts; 10 percent (T); effective November 9, 1944, expiring November 8, 1945.

Monte Manufacturing Company, 903 East St. Louis Street, West Frankfort, Illinois; washable service apparel; 20 learners (AT); effective November 15, 1944, expiring May 14, 1945.

Par-Ex Shirt Company, 20 Wooster Street, New Haven, Connecticut; men's shirts; 10 percent (T); effective November 10, 1944, expiring November 9, 1945.

Weldon Manufacturing Company, Lopez, Pennsylvania; men's pajamas; 10 percent (T); effective November 15, 1944, expiring November 14, 1945.

Glove Industry

Frederic H. Burnham Company, 1602 Tennessee Street, Michigan City, Indiana; work gloves and leather dress gloves; 5 percent (T); effective November 11, 1944, expiring November 10, 1945.

Hosiery Industry

Charles H. Bacon Company, Lenior City, Tennessee; seamless hosiery; 10 percent (AT) effective November 13, 1944, expiring May 12, 1945.

Barber Hosiery Mills, Incorporated, Mount Airy, North Carolina; seamless hosiery; 10 percent (AT); effective November 20, 1944, expiring May 19, 1945.

Bisher Hosiery Mill, Denton, North Carolina; seamless hosiery; 15 learners (AT); effective November 13, 1944, expiring May 12, 1945.

Galax Knitting Company, Incorporated, Galax, Virginia; seamless hosiery; 40 learners (AT); effective November 20, 1944, expiring May 19, 1945.

Brown Brothers Hosiery Mills, 1028 Second Street, Hickory, North Carolina; seamless hosiery; 10 percent (AT); effective November 13, 1944, expiring May 12, 1945.

Lanning Hosiery Mill, Aquadale, North Carolina; seamless hosiery; 15 learners (E); effective November 11, 1944, expiring May 10, 1945.

Walker County Hosiery Mills, La Fayette, Georgia; seamless hosiery; 10 percent (AT); effective November 13, 1944, expiring May 12, 1945.

Textile Industry

Kingston Chenille Company, Incorporated, Kingston, Georgia; cotton chenille bedspreads; 5 learners (T); effective November 10, 1944, expiring November 9, 1945.

Signed at New York, New York, this 15th day of November 1944.

ISABEL FERGUSON,
Authorized Representative
of the Administrator.

[F. R. Doc. 44-17668; Filed, Nov. 17, 1944; 4:51 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employer's representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Carmark Pottery, Pottery Road, Camden, Arkansas; art pottery; 4 learners; washer trimmer for a learning period of 160 hours at 35 cents per hour; effective November 20, 1944, expiring February 12, 1945.

Textile Hardwood Manufacturing Company, Incorporated, Pike Street, West Ruttsville, Alabama; wooden parts for textile machinery; 2 learners; sander operator and wood-working machine operator for a learning period of 160 hours at 35 cents per hour; effective November 13, 1944, expiring January 22, 1945.

Signed at New York, New York, this 15th day of November, 1944.

ISABEL FERGUSON,
Authorized Representative
of the Administrator.

[F. R. Doc. 44-17669; Filed, Nov. 17, 1944; 4:51 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[P. & S. Docket No. 1684]

NATIONAL ASSOCIATION OF BROADCASTERS ORDER EXTENDING TIME FOR FILING REQUESTS

In the matter of promulgation of rules and regulations under section 317 of the Communications Act.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of November 1944;

The Commission having under consideration a request of the National Association of Broadcasters that the time allowed for filing of requests for oral argu-

ment or briefs be postponed for a period of one week;

It is ordered, That the time for filing requests for oral argument or briefs be, and it is hereby, extended from November 14, 1944 to November 21, 1944.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-17745; Filed, Nov. 20, 1944; 11:26 a. m.]

[Docket No. 6693]

DR. GEORGE W. YOUNG

NOTICE OF HEARING

In re application of Dr. George W. Young (WDGY); date filed, June 19, 1944; for modification of license to decrease night power and change hours of operation; class of service, broadcast; class of station, broadcast; location, Minneapolis, Minnesota; operating assignment specified: frequency, 1130 kc; power, 250 w night, 5 kw day; hours of operation, unlimited. File No. B4-ML-1201.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the applicant's station as proposed, and what other broadcast service is available to these areas and populations.

2. To determine the nature, extent, and effect of any interference which would result from the simultaneous operation of the applicant's station as proposed and from the operation of (1) Station WNEW, New York, N. Y., (2) KWKH, Shreveport, Louisiana, and (3) CBR, Vancouver, British Columbia, Canada, as well as the areas and populations affected thereby, and the nature of other broadcast service available to these areas and populations.

3. To determine the nature, extent, and effect of any interference which would result from the simultaneous operation of the applicant's station as proposed and from the operation of Station CBR on the frequency 1130 kc, with power of 50 kw, as authorized by the North American Regional Broadcasting Agreement.

4. To determine whether the granting of this application would be consistent with the North American Regional Broadcasting Agreement.

5. To determine whether the granting of this application would be consistent with §§ 3.22 and 3.25 of the Commission's rules and with the Commission's Standards of Good Engineering Practice.

6. To determine whether the operation of the applicant's station as proposed would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

3/ 667-2

7. To determine whether the proposed operation of Station WDGY at night would provide (1) a minimum field intensity of 25 millivolts per meter to the business district of Minneapolis, and (2) a minimum field intensity of 5 millivolts per meter to all of the residential areas of the Minneapolis metropolitan district, in accordance with the Commission's rules and Standards of Good Engineering Practice.

8. To determine whether, in view of the facts adduced under the foregoing issues, the granting of this application would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Dr. George W. Young, Radio Station WDGY, Hotel Nicolet, 12th Floor, 251 Washington Avenue, Minneapolis, Minnesota.

Dated at Washington, D. C., November 18, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-17746; Filed, Nov. 20, 1944;
11:26 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-595 and G-596]

REYNOSA PIPE LINE CO.

NOTICE OF APPLICATIONS

NOVEMBER 17, 1944.

Notice is hereby given that on November 13, 1944, applications were filed with the Federal Power Commission by Reynosa Pipe Line Company, ("Applicant"), a Texas corporation having its principal business office at Corpus Christi, Texas, seeking (1) an order authorizing it, pursuant to section 3 of the Natural Gas Act, to export natural gas from the United States to the Republic of Mexico (Docket No. G-595); and (2) a Presidential Permit, pursuant to Executive Order No. 8202, for the construction, operation, maintenance and connection, at the International boundary of the United States, near the Town of Reynosa, State of Tamaulipas, Mexico, of facilities for the exportation of natural gas to the Republic of Mexico (Docket No. G-596).

The applications recite that the natural gas which applicant proposes to export is to be obtained from the La Blanca, South Weslaco and/or North Weslaco

Fields, in Hidalgo County, Texas; that applicant has entered into a contract with Gas Industrial de Monterrey, S. A., a corporation organized and incorporated under the laws of the Republic of Mexico, whereby applicant has agreed to sell and deliver to Gas Industrial de Monterrey, S. A., at the International boundary, up to 60,000,000 cubic feet of gas per day for the purpose of furnishing fuel to various industries located in, and in the vicinity of the City of Monterrey, State of Nuevo Leon, Mexico; that the term of such contract is a period of ten consecutive years from February 15, 1945, or from the date of completion of facilities, whichever date or event shall first occur; that the proposed facilities for the exportation of natural gas to the Republic of Mexico includes a twelve-inch main transmission pipe line extending from a point on the American side of the International boundary to the north bank of the Rio Grande River, and two parallel eight-inch transmission pipe lines connected therewith and extending across and underneath the Rio Grande River to points of connection at the International Boundary Line of the United States and the Republic of Mexico with transmission pipe lines of Gas Industrial de Monterrey, S. A.

Any person desiring to be heard or to make any protest with reference to said applications, or either of them, should, on or before the 3d day of December, 1944, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the provisional rules of practice and regulations under the Natural Gas Act.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-17734; Filed, Nov. 20, 1944;
9:48 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5069]

UNIVERSAL LABORATORIES AND GOODIER CO.

ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING
TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of November A. D. 1944.

In the matter of E. J. Goodier, an individual trading and doing business as Universal Laboratories and as Goodier Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, December 13, 1944, at ten o'clock in the forenoon of that day (central standard time) in Room 301, Post Office Building, Dallas, Texas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-17708; Filed, Nov. 18, 1944;
11:29 a. m.]

[Docket No. 5122]

HEALTH BRANDS

ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING
TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of November A. D. 1944.

In the matter of W. S. Roberts, an individual trading and doing business as Health Brands.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, December 15, 1944, at ten o'clock in the forenoon of that day (central standard time), in Room 301, Post Office Building, Dallas, Texas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-17709; Filed, Nov. 18, 1944;
11:29 a. m.]

[Docket No. 5188]

S-P LABORATORIES

ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING
TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of November A. D. 1944.

In the matter of Superior Products Company, a corporation, doing business as S-P Laboratories.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 11, 1944, at ten o'clock in the forenoon of that day (central standard time), in Room 301, Post Office Building, Dallas, Texas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-17710 Filed, Nov. 18, 1944;
11:29 a. m.]

INTERSTATE COMMERCE COMMISSION.

APPOINTMENT OF PERMIT AGENTS FOR COTTON SHIPMENTS

Notice of appointment of permit agents under Service Order No. 249.

Pursuant to the authority vested in me by paragraph (d) of Service Order No. 249, the following permit agent is hereby appointed to issue permits pursuant to paragraph (c) of said order:

110. W. V. Turner, Inverness, Miss.

A copy of this notice has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of these appointments shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of November 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-17679; Filed, Nov. 18, 1944;
10:58 a. m.]

APPOINTMENT OF PERMIT AGENTS FOR COTTON SHIPMENTS

Pursuant to the authority vested in me by paragraph (d) of Service Order No. 249, the following permit agents are hereby appointed to issue permits pursuant to paragraph (c) of said order:

111. C. B. Quinn, Forest, Miss.
112. C. F. Manly, Sikeston, Mo.

A copy of this notice has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of these appointments shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of November 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-17739; Filed, Nov. 20, 1944;
10:28 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4262]

WAYNE NOBURU OZAKI

In re: Guardianship of Wayne Noburu Ozaki, a minor; File F-66-57; E. T. sec. 3062.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: (a) All right, title, interest and claim of any kind or character whatsoever of Wayne Noburu Ozaki in and to the estate of Wayne Noburu Ozaki, a minor under guardianship,

(b) All that certain real property particularly described as follows: The North Thirty (30) feet of Lot 185 in William's Addition to the city of Fort Wayne, in Allen County, State of Indiana, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Wayne Noburu Ozaki, Japan.

That such property is in the process of administration by The Peoples Trust and Savings Company, 913-915 Calhoun Street, Fort Wayne, Indiana, as Guardian of the Person and Estate of Wayne Noburu Ozaki, a minor, acting under the judicial supervision of the Superior Court No. 2 for the County of Allen, State of Indiana;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the in-

terest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-17672; Filed, Nov. 18, 1944;
10:31 a. m.]

[Vesting Order 4263]

JULIUS PRUEVER

In re: Estate of Julius Pruever, also known as Julius Prieuer, and Julius Pruever, deceased; File No. D-28-7896; E. T. sec. 8616.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Margareta Prieuer, also known as Margareta Pruener, and Margareta Pruever, in and to the Estate of Julius Pruever, also known as Julius Prieuer, and Julius Pruener, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Margareta Prieuer, also known as Margareta Pruener and Margareta Pruever, Breslau, Germany.

That such property is in the process of administration by the Public Administrator, New York County, New York, Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany;

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-17673; Filed, Nov. 18, 1944;
10:31 a. m.]

[Vesting Order 4264]

WILLIAM SCHLOZ

In re: Estate of William Schloz, deceased; File No. D-28-1708; E. T. sec. 724.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Johann Schloz, Gottlieb H. Schloz, Marie Schmid, Maria Kocher, Anna Schloz, and Heinrich Schloz, and each of them, in and to the Estate of William Schloz, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johann Schloz, Germany.
Gottlieb H. Schloz, Germany.
Marie Schmid, Germany.
Maria Kocher, Germany.
Anna Schloz, Germany.
Heinrich Schloz, Germany.

That such property is in the process of administration by the Treasurer of the City

of New York, as depository, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on November 6, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-17674; Filed, Nov. 18, 1944;
10:31 a. m.]

[Vesting Order 4265]

TOBY SCHUSSLER

In re: Estate of Toby Schussler, deceased; file D-28-8130; E. T. sec. 10039.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Selma Schussler in and to the Estate of Toby Schussler, deceased, and in and to a trust established under the will of Toby Schussler, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Selma Schussler, Germany (Austria).

That such property is in the process of administration by Alice A. Myers, Administratrix with the Will Annexed of the Estate of Toby Schussler, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Mateo;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-17675; Filed, Nov. 18, 1944;
10:31 a. m.]

[Vesting Order 4266]

OSKAR TEUBER and EMERIKA TEUBER

In re: Guardianship estates of Oskar Teuber and Emerika Teuber, incompetents; F-63-9861; E. T. sec. 9097 and F-63-9860; E. T. sec. 9098.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All the property and estate of Oskar Teuber of any nature whatsoever in the possession, custody or control of Glard Trust Company and Thomas F. Cadwalader, as Guardians of the Estate of Oskar Teuber, an incompetent; and,

All the property and estate of Emerika Teuber of any nature whatsoever in the possession, custody or control of Girard Trust Company and Thomas F. Cadwalader, as Guardians of the Estate of Emerika Teuber, an incompetent,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address.

Oskar Teuber, Germany (Austria).
Emerika Teuber, Germany (Austria).

That such property is in the process of administration by the Girard Trust Company and Thomas F. Cadwalader, as Guardians of the estates of Oskar Teuber and Emerika Teuber, incompetents, acting under the judicial supervision of the Court of Common Pleas, Philadelphia County, Pennsylvania;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-17676; Filed, Nov. 18, 1944;
10:31 a. m.]

[Vesting Order 4267]

UNION NATIONAL BANK OF READING

In re: Liquidation of Union National Bank of Reading; file D-28-7926; E.T. sec. 8739; File D-28-7925; E.T. sec. 8740.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows:

(a) The sum of \$722.00 payable to Otto Reichel and Ida Reichel pursuant to an order of the Court of Common Pleas of Berks County, Pennsylvania, dated September 7, 1943 and entered in a proceeding entitled In re: Union National Bank of Reading, subject, however, to any lawful commission of the Prothonotary of the Court of Common Pleas of Berks County, Pennsylvania, and

(b) The sum of \$101.08 payable to Kurt Gneuss pursuant to an order of the Court of Common Pleas of Berks County, Pennsylvania, dated September 7, 1943 and entered in a proceeding entitled In re: Union National Bank of Reading, subject, however, to any lawful commission of the Prothonotary of the Court of Common Pleas of Berks County, Pennsylvania,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Otto Reichel, Germany.
Ida Reichel, Germany.
Kurt Gneuss, Germany.

That such property is in the process of administration by George S. Miller, as Prothonotary, acting under the judicial supervision of the Court of Common Pleas of Berks County, Pennsylvania;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-17677; Filed, Nov. 18, 1944;
10:32 a. m.]

[Vesting Order 4268]

KAROLINA VOGLER

In re: Trust created under the will of Karolina (Caroline) Vogler, deceased; file D-28-2427; E. T. sec. 3709.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Hilda Mutter, Erna Mutter and Alma Mutter, and each of them, in and to the trust estate created under the Will of Karolina (Caroline) Vogler, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hilda Mutter, Germany.
Erna Mutter, Germany.
Alma Mutter, Germany.

That such property is in the process of administration by Elsa Mueller, 3718 Morris Place, Cincinnati, Ohio, as Trustee of the trust estate created under the Will of Karolina (Caroline) Vogler, deceased, acting under the judicial supervision of the Probate Court of Hamilton County, Ohio;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This Order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form AFC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on November 6, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-17678; Filed, Nov. 18, 1944;
10:32 a. m.]

MAX VOGEL

ORDER FOR AND NOTICE OF HEARING

Whereas, by Vesting Order No. 201 dated October 2, 1942 (8 F.R. 625), the Alien Property Custodian vested, among other things, the following patents:

Patent Number, Date, and Title

1,639,821, 8-23-27, Notebook.
1,740,322, 12-17-29, Stapling device.
1,846,165, 2-23-32, Stapling machine.
1,935,280, 11-14-33, Stapling machine.
1,944,020, 1-16-34, Envelope.
1,985,751, 12-25-34, Match case.
1,996,222, 4-2-35, Stapling machine.
2,021,274, 11-19-35, Stapling machine.
2,083,757, 6-15-37, Card filing system.
2,088,005, 7-27-37, Method of forming wire staples.
2,180,490, 11-21-39, Card index device.
2,181,252, 11-28-39, Safety envelope.
2,240,105, 4-29-41, Stapling plier.

And recited therein that said patents are property in which Max Vogel, a national of a foreign country (Germany) has an interest; and

Whereas, Max Vogel, claimant, filed notices of claims on Forms APC-16 in which said claimant asserted that he was the sole owner of full legal title to the patents enumerated above, and that he was a citizen of Germany, and resided at 224 Brooklawn Avenue, Bridgeport, Connecticut; and

Whereas, on the death of said claimant, Kurt M. Vogel, having been duly appointed administrator of the Estate of Max Vogel, deceased, requested that said claims be amended to substitute said administrator as the claimant herein.

Now therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian, as amended, (8 F.R. 16709) that a hearing on said claim be held before the Vested Property Claims Committee or any member or members thereof on Monday, December 4, 1944 at 2:00 p. m., eastern war time, at the Office of Alien Property Custodian, 120 Broadway, New York (5), New York, to continue thereafter at such time and place as the Committee may determine.

It is further ordered, That copies of this notice of hearing be served by registered mail upon the claimant and be filed with the Division of the Federal Register.

Any person desiring to be heard either in support of or in opposition to the claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW., Washington (25), D. C., on or before November 27, 1944.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said vesting order are available for public inspection at the address last above stated.

By authority of the Alien Property Custodian.

Dated: November 18, 1944.

[SEAL]

VESTED PROPERTY CLAIMS
COMMITTEE,
JOHN C. FITZGERALD,
Chairman.

[F. R. Doc. 44-17742; Filed, Nov. 20, 1944;
11:08 a. m.]

EMANUEL TEITZ

ORDER FOR AND NOTICE OF HEARING

Whereas, by Vesting Order No. 141 dated September 8, 1942 (7 F.R. 8311), the Alien Property Custodian vested, among other things, the following patent:

Patent Number, Patent Date and Title

1,776,010, 9-16-30, Manufacturing permanently-sterile injection liquids.

and recited therein that said patent is property in which K. Schrader, a national of a foreign country (Germany) has an interest; and

Whereas, Emanuel Teitz, has filed a notice of claim on Form APC-1, Claim No. 858, in which said claimant asserts that he is the owner of a certain interest in and to said patent by virtue of existing agreements and payments made by the claimant to the aforesaid record owner, and that said claimant is a citizen of the United States of America whose address is 230 West End Avenue, New York, New York.

Now therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian, as amended, (8 F.R. 16709) that a hearing be held on said claim before the Vested Property Claims Committee or any member or members thereof on Tuesday, December 5, 1944 at 10:00 a. m., eastern war time, at the Office of Alien Property Custodian, 120 Broadway, New York (5), New York, to continue thereafter at such time and place as the Committee may determine.

It is further ordered, That copies of this notice of hearing be served by registered mail upon the claimant and upon the persons designated in paragraph 2 of the said notice of claim, and be filed with the Division of the Federal Register.

Any person desiring to be heard either in support of or in opposition to the claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets, N. W., Washington (25), D. C., on or before November 27, 1944.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said vesting order are available for public inspection at the address last above stated.

By authority of the Alien Property Custodian.

Dated: November 20, 1944.

[SEAL]

VESTED PROPERTY CLAIMS
COMMITTEE,
JOHN C. FITZGERALD,
Chairman.

[F. R. Doc. 44-17743; Filed, Nov. 20, 1944;
11:08 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 190, Amdt. 2]

COMMON CARRIERS

COORDINATED OPERATIONS IN MICHIGAN

Upon consideration of the petition for an order amending Supplementary Order ODT 3, Revised-190, as amended (9 F.R. 2962, 3820), filed with the Office of Defense Transportation by the parties subject thereto and by Interstate Motor Freight System, a corporation, and good cause appearing therefor, *It is hereby ordered, That:*

Supplementary Order ODT 3, Revised-190, as amended, be, and it hereby is, further amended, as follows:

1. By adding in Appendix 1, "Interstate Motor Freight System, Grand Rapids, Michigan";

2. By adding in Appendix 2, paragraph numbered 1, entitled "Parties to the Plan", "Interstate Motor Freight System, Grand Rapids, Michigan";

3. By striking Item 4 from Appendix 2 and substituting the following:

4. All of the carriers listed in Item No. 1 above perform common carrier service on commodities generally between the points listed in Item No. 2, however, notwithstanding the routes mentioned in Item No. 2, all carriers are restricted to Interstate Commerce Commission and Michigan State operating authority as to routes traveled. Exceptions: The Blair Transit Corp. are restricted to route "A" only.

In some instances all carriers parties to the plan do not make the points involved over the same routes, hence the change in Item No. 4 puts in the clear the operating authority of each carrier; and

4. By deleting from Appendix 2, in paragraph numbered 10, the name of Interstate Motor Freight System, Grand Rapids, Michigan, on routes "A" and "B".

This amendment shall become effective November 18, 1944.

Issued at Washington, D. C., this 18th day of November 1944.

C. D. YOUNG,
Deputy Director,

Office of Defense Transportation.

[F. R. Doc. 44-17637; Filed, Nov. 17, 1944;
12:53 p. m.]

[Special Order ODT B-13A, Amdt. 1]

COMMON CARRIERS

OPERATIONS BETWEEN BOSTON, MASS., AND ST. STEPHEN, NEW BRUNSWICK

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Order 8989, as amended, and 9156, and War Production Board Directive 21; and in order to secure maximum use of existing transportation facilities; to conserve and providently utilize vital equipment, material, and supplies; to prevent possible traffic congestion, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; and being satisfied that the fulfillment of

¹ Filed but not published in the FEDERAL REGISTER.

requirements for the defense of the United States will result in shortage of transportation materials and facilities for defense and for private account, *It is hereby ordered, That:*

1. Subparagraph (c) of paragraph numbered 2 of Special Order ODT B-13A is hereby suspended until further order.

2. Paragraph numbered 4 of Special Order ODT B-13A is hereby amended to read as follows:

The departure and arrival times on schedules operated by Eastern Greyhound Lines of New England and Maine Central Transportation Company between Portland, Maine, Bangor, Maine, and St. Stephen, New Brunswick, in effect on October 1, 1944, shall not be changed or altered nor shall more than one bus be operated on each such scheduled trip, without the prior approval of the Regional Director, Highway Transport Department, New York, New York.

This Amendment 1 to Special Order ODT B-13A shall become effective December 10, 1944.

Issued at Washington, D. C., this 18th day of November 1944.

C. D. YOUNG,
Deputy Director,

Office of Defense Transportation.

[F. R. Doc. 44-17638; Filed, Nov. 17, 1944;
12:53 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 1137]

BEAVER CREEK MINING CO., ET AL. ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 7. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.218 and all other provisions of Maximum Price Regulation No. 120.

No. 232—6

BEAVER CREEK MINING CO., BOX 1104, BECKLEY, W. VA., BOBBIE MINE, BECKLEY SEAM, MINE INDEX No. 1022, RALEIGH COUNTY, W. VA., SUB-DISTRICT 2, RAIL SHIPPING POINT: BEAVER, W. VA., DEEP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification.....	B	B	A	A	A	B	B	B	B	B
Rail shipment.....	385	405	410	355	345	380	350	320	315	310
Truck shipment.....	465	385	415	350	335	330				

Railroad locomotive fuel:										
Any single screened or double screened coal.....										365
Run of mine.....										350
Screenings larger than 1 1/4" x 0 but not exceeding 2 1/2" x 0.....										335
Screenings 1 1/4" x 0 and smaller.....										310

DORSEY & FLESHMAN, QUINWOOD, W. VA., No. 3 MINE, SEWELL SEAM, MINE INDEX No. 1044, GREENBRIER COUNTY, W. VA., SUB-DISTRICT 1, RAIL SHIPPING POINT: QUINWOOD, W. VA., DEEP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification.....	D	D	C	A	A	B	B	C	C	C
Rail shipment.....	380	390	400	355	345	380	350	315	310	305
Truck shipment.....	465	385	415	350	335	330				

Railroad locomotive fuel:										
Any single screened or double screened coal.....										365
Run of mine.....										350
Screenings larger than 1 1/4" x 0 but not exceeding 2 1/2" x 0.....										335
Screenings 1 1/4" x 0 and smaller.....										310

GREENBRIER SEWELL MINING CO., CARNEGIE, PA., GREENBRIER SEWELL No. 1 MINE, SEWELL SEAM, MINE INDEX No. 1032, GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT: LESLIE AND/OR QUINWOOD, W. VA., STRIP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification.....	D	D	C	A	A	B	B	C	C	C
Rail shipment.....	380	390	400	355	345	380	350	315	310	305
Truck shipment.....	465	385	415	350	335	330				

Railroad locomotive fuel:										
Any single screened or double screened coal.....										365
Run of mine.....										350
Screenings larger than 1 1/4" x 0 but not exceeding 2 1/2" x 0.....										335
Screenings 1 1/4" x 0 and smaller.....										310

GREENBRIER SEWELL MINING CO., CARNEGIE, PA., GREENBRIER SEWELL No. 2 MINE, SEWELL SEAM, MINE INDEX No. 1033, GREENBRIER COUNTY, W. VA., SUBDISTRICT 1, RAIL SHIPPING POINT: LESLIE AND/OR QUINWOOD, W. VA., STRIP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification.....	D	D	C	A	A	B	B	C	C	C
Rail shipment.....	380	390	400	355	345	380	350	315	310	305
Truck shipment.....	465	385	415	350	335	330				

Railroad locomotive fuel:										
Any single screened or double screened coal.....										365
Run of mine.....										350
Screenings larger than 1 1/4" x 0 but not exceeding 2 1/2" x 0.....										335
Screenings 1 1/4" x 0 and smaller.....										310

This order shall become effective November 18, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17661; Filed, Nov. 17, 1944;
3:58 p. m.]

[MPR 120, Order 1138]

DETROIT MINING CO., ET AL. ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with

§ 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in each amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The

maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the

prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

DETROIT MINING CO., 16 EAST BROAD ST., COLUMBUS, OHIO, NO. 6 MINE, COALBURG SEAM, MINE INDEX NO. 7241, BOONE COUNTY, W. VA., SUBDISTRICT 4, RAIL SHIPPING POINT: ESSEX, W. VA., F. O. G. 123, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification...	K	K	K	K	H	H	G	G	E	G	C	L	L	L
Rail shipments and railroad fuel.....	365	360	350	350	345	335	315	310	310	345	300	285	280	280
Truck shipment.....	405	385	350	350	320	300	260	255						

H. E. FOLK MINING CO., JELICO, TENNESSEE, FOLK NO. 2 MINE, SWAMP ANGEL SEAM, MINE INDEX NO. 7251, WHITLEY COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT: PLEASANT VIEW, KY., F. O. G. 111, STRIP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	K	K	K	K	H	H	G	E	C	E	D	M	M	M
Price classification...	K	K	K	K	H	H	G	E	C	E	D	M	M	M
Rail shipments and railroad fuel.....	380	375	365	365	360	350	330	330	305	315	280	275	270	270
Truck shipment.....	380	360	335	335	320	295	260	255						

L. W. HAMILTON, 3052 22D ST., CHARLESTON, W. VA., HAMILTON MINE, NO. 5 BLOCK SEAM, MINE INDEX NO. 7224, KANAWHA COUNTY, W. VA., SUBDISTRICT 4, RAIL SHIPPING POINT: BLAKELEY, W. VA., F. O. G. 127, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 4

	Q	Q	Q	Q	P	P	O	M	K	M	F	M	M	M
Price classification...	Q	Q	Q	Q	P	P	O	M	K	M	F	M	M	M
Rail shipment.....	330	325	320	320	305	300	295	295	290	340	295	265	260	255
Railroad fuel.....	330	325	320	320	310	310	310	310	310	340	295	265	260	255
Truck shipment.....	390	370	340	350	320	305	260	255						

IMPERIAL COLLIERY CO., LYNCHBURG, VA., IMPERIAL NO. 8 MINE, NO. 2 GAS SEAM, MINE INDEX NO. 7222, KANAWHA COUNTY, W. VA., SUBDISTRICT 4, RAIL SHIPPING POINT: BURNWELL, W. VA., F. O. G. 123, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 4

	L	L	L	L	H	H	G	G	E	G	B	H	H	H
Price classification...	L	L	L	L	H	H	G	G	E	G	B	H	H	H
Rail shipments and railroad fuel.....	350	350	345	345	345	335	315	310	310	345	305	295	285	280
Truck shipment.....	390	370	340	350	320	305	260	255						

KENTUCKY-LEWIS CREEK COAL CO., CORBIN, KY., KENTUCKY-LEWIS JELICO MINE, JELICO SEAM, MINE INDEX NO. 7219, WHITLEY COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT: ROCKHOLD, KY., F. O. G. 111, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	O	O	O	O	J	J	H	G	E	G	F	K	K	K
Price classification...	O	O	O	O	J	J	H	G	E	G	F	K	K	K
Rail shipments and railroad fuel.....	360	355	340	340	360	350	330	325	325	360	310	300	295	295
Truck shipment.....	405	385	350	350	320	300	260	255						

KENTUCKY-LEWIS CREEK COAL CO., CORBIN, KY., KENTUCKY-LEWIS DEAN MINE, DEAN SEAM, MINE INDEX NO. 7220, WHITLEY COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT: ROCKHOLD, KY., F. O. G. 111, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	K	K	K	K	H	H	G	E	O	E	D	M	M	M
Price classification...	K	K	K	K	H	H	G	E	O	E	D	M	M	M
Rail shipments and railroad fuel.....	380	375	365	365	360	350	330	330	385	315	280	275	270	270
Truck shipment.....	380	360	335	335	320	295	260	255						

F. A. SHUFF & SONS, RIVER ROUTE, LIBERTY BOX, WILLIAMSBURG, KY., BENNETTE MINE, JELICO SEAM, MINE INDEX NO. 7214, WHITLEY COUNTY, KY., SUBDISTRICT 6, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

	405	385	350	350	320	300	260	255						
Truck shipment.....	405	385	350	350	320	300	260	255						

THOMAS & THOMAS, LANHAM, WEST VIRGINIA, HARMAN CREEK MINE, PITTSBURGH NO. 8 SEAM, MINE INDEX NO. 7208, PUTNAM COUNTY, W. VA., SUBDISTRICT 4, RAIL SHIPPING POINT: RAYMOND CITY, W. VA., F. O. G. 127, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	G	Q	Q	Q	P	P	O	M	K	M	Q	Q	Q	Q
Price classification...	G	Q	Q	Q	P	P	O	M	K	M	Q	Q	Q	Q
Rail shipment.....	330	325	320	320	305	300	295	295	290	340	295	265	260	255
Railroad fuel.....	330	325	320	320	310	310	310	310	310	340	295	265	260	255
Truck shipment.....	380	360	335	335	320	295	260	255						

This order shall become effective November 18, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17662; Filed, Nov. 17, 1944; 3:59 p. m.]

[MPR 120, Order 1139]

ENTERPRISE COAL MINING CO., ET AL. ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120: It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

ENTERPRISE COAL MINING CO. INC., GARRETT, PA., PONFEIGH NO. 7-B MINE, REDSTONE SEAM, MINE INDEX NO. 5208, SOMERSET COUNTY, PA., SUB. DIST. 41, RAIL SHIPPING POINT: BLUE LICK SPUR, PA. DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	H	H	H	H	H
Rail shipment.....	330	330	310	285	285
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	350	325	325	315	305

H. B. MELLOTT, MARKLE BANK BLDG., HAZLETON, PA., GLENDALE NO. 1 MINE, KELLEY SEAM, MINE INDEX NO. 5159, BEDFORD COUNTY, PA., SUB. DIST. 39, RAIL SHIPPING POINT: SANDY RUN, PA. STRIP MINE

	F	F	F	F	F
Price classification.....	F	F	F	F	F
For all methods of transportation and all uses.....	425	425	390	365	350

PONFEIGH SMOKELESS COAL CO., GARRETT, PA., PONFEIGH SMOKELESS NO. 2 MINE, REDSTONE SEAM, MINE INDEX NO. 5207, SOMERSET COUNTY, PA., SUB. DIST. 41, RAIL SHIPPING POINT: BLUE LICK SPUR, PA., DEEP MINE

	H	H	H	H	H
Price classification.....	H	H	H	H	H
Rail shipment.....	330	330	310	285	285
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	350	325	325	315	305

ANDY PRESLOVICH, SNOW SHOE, PA., KNOX RUN NO. 3 MINE, D SEAM, MINE INDEX NO. 3823, CENTRE COUNTY, PA., SUB. DIST. 9, RAIL SHIPPING POINT: GILLINTOWN, PA., DEEP MINE

	D	D	D	D	D
Price classification.....	D	D	D	D	D
Rail shipment.....	360	340	335	325	325
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	370	345	345	335	325

¹ Previously established.

PRINCE TERRY COAL CORP., RIMERSBURG, PA., PRYOR HOLLOW MINE, B SEAM, MINE INDEX No. 5230, CLARION COUNTY, PA., SUB. DIST. 4, RAIL SHIPPING POINT: MORTIMER, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	G	G	G	H	H
Rail shipment.....	330	330	315	285	285
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	355	330	330	315	305

JAMES A. WILKINSON, 219 E. HIGHLAND AVE., ERENSBURG, PA., WILKINSON No. 3 MINE, C SEAM, MINE INDEX No. 5245, CLEARFIELD COUNTY, PA., SUB. DIST. 18, RAIL SHIPPING POINT: WESTOVER, PA., STRIP MINE

	E	E	E	E	E
Price classification.....	355	335	335	315	315
Rail shipment.....	320	320	305	295	295
Railroad locomotive fuel.....	365	340	340	330	320

This order shall become effective November 18, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of November 1944.

JAMES F. BROWNLEE,
Administrator.

[F. R. Doc. 44-17663; Filed, Nov. 17, 1944;
4:00 p. m.]

[MPR 120, Order 1140]

R. H. GONDER, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

R. H. GONDER, BOSWELL, PA., GONDER No. 2 MINE, E SEAM, MINE INDEX No. 5238, SOMERSET COUNTY, PA., SUBDISTRICT 36, RAIL SHIPPING POINT, McKELVEY SIDING, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	E	E	E	E	E
Rail shipment.....	355	335	335	315	315
Railroad locomotive fuel.....	320	320	305	295	295
Truck shipment.....	365	340	340	330	320

LOQUE, LOQUE AND PERRY, BOX 231, KANE, PA., WOODCHUCK MINE, CLERMONT SEAM, MINE INDEX No. 5219, MCKEAN COUNTY, PA., SUBDISTRICT 2, DEEP MINE

Truck shipment.....	350	325	325	315	305
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W. R. RAMSAY, NEW CUMBERLAND, PA., NEW GARDEN STRIP MINE, D SEAM, MINE INDEX No. 5223, CLINTON COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, SPRUCE, PA., STRIP MINE

	F	F	F	F	F
Price classification.....	335	335	335	305	305
Rail shipment.....	320	320	305	295	295
Railroad locomotive fuel.....	360	335	335	325	315

REMAH COAL CO., DAVIDSVILLE, PA., REMAH No. 1 MINE, B SEAM, MINE INDEX No. 5186, SOMERSET COUNTY, PA., SUBDISTRICT 32, RAIL SHIPPING POINT, HOLSOFFLE, PA., DEEP MINE

	E	E	E	E	E
Price classification.....	355	335	335	315	315
Rail shipment.....	320	320	305	295	295
Railroad locomotive fuel.....	365	340	340	330	320

RIDDLESBURG COAL & COKE CO., SAXTON, PA., OWEN BARNET STRIP MINE, BARNET SEAM, MINE INDEX No. 5144, HUNTINGDON COUNTY, PA., SUBDISTRICT 39, RAIL SHIPPING POINT, OWEN No. 1 RAMP, PA., STRIP MINE

	B	B	B	B	C
Price classification.....	425	425	390	365	350

RIDDLESBURG COAL & COKE CO., SAXTON, PA., OWEN FULTON STRIP MINE, FULTON SEAM, MINE INDEX No. 5145, HUNTINGDON COUNTY, PA., SUBDISTRICT 39, RAIL SHIPPING POINT, OWEN No. 1 RAMP, PA., STRIP MINE

	B	B	B	B	C
Price classification.....	425	425	390	365	350

SEANOR COAL CO., R. D. No. 2 SALTSBURG, PA., LUMSTED MINE, E SEAM, MINE INDEX No. 5224, ARMSTRONG COUNTY, PA., SUBDISTRICT 11, RAIL SHIPPING POINT, ECHO, PA., STRIP MINE

	H	H	H	J	J
Price classification.....	330	330	310	285	285
Rail shipment.....	320	320	305	295	295
Railroad locomotive fuel.....	350	325	325	310	300

GOLDMAN STEWART, 2520 EUCLID AVE., DUBOISTOWN, WILLIAMSPORT, PA., STEWART MINE, B SEAM, MINE INDEX No. 5222, CLINTON COUNTY, PA., SUBDISTRICT 3, DEEP MINE

Truck shipment.....	375	350	350	340	330
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This order shall become effective November 18, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17664; Filed, Nov. 17, 1944;
4:00 p. m.]

[MPR 188, Order 2908]

RA-BET MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries, of two juvenile table and chair sets manufactured by Ra-Bet Manufacturing Co., 75 Warren Street, New York, New York.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Juvenile table and chair set (solid wood tops).	Table 20" x 28" ..	Each \$6.38	Each \$7.50
Juvenile table and chair set (plywood tops).	Table 28" x 28" ..	7.23	8.50

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated June 24, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price set forth below, f. o. b. factory:

Article and Model No.	Maximum price to retailers (each)
Juvenile table and chair set (solid wood tops), 20 x 28 inch table.....	\$7.50
Juvenile table and chair set (plywood tops), 28 x 28 inch table.....	8.50

These prices are subject to a cash discount of two percent for payment within

ten days, net thirty days, and are for the articles described in the manufacturer's application dated June 24, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 18th day of November 1944.

Issued this 17th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17658; Filed, Nov. 17, 1944;
3:57 p. m.]

[MPR 188, Order 2909]

POPULAR PRODUCTS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries, of two nursery seats manufactured by Popular Products Company, 7309 Manchester Avenue, St. Louis 17, Missouri.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Nursery seat (foot rest).	Nursery seat....	Per dozen \$15.09	Per dozen \$17.76
Nursery seat (without foot rest).	do.....	12.53	14.76

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated September 8, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Maximum price
to retailers
(per dozen)

Article and model No.:	
Nursery seat (foot rest), nursery seat.....	\$17.76
Nursery seat (without foot rest), nursery seat.....	14.76

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated September 8, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 18th day of November 1944.

Issued this 17th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17659; Filed, Nov. 17, 1944;
3:58 p. m.]

[MPR 188, Order 2910]

IVERSON MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries, of two juvenile sets manufactured by Iverson Manufacturing Company, 4160 W. Broadway, Robbinsdale 12, Minneapolis, Minnesota.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Juvenile set.....	516.....	Each \$4.27	Each \$5.03
	517.....	4.80	5.65

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated June 23, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Maximum
price to
retailers
(each)

Article and Model No.:	
Juvenile set, 516.....	\$5.03
Juvenile set, 517.....	5.65

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated June 23, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 18th day of November 1944.

Issued this 17th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17660; Filed, Nov. 17, 1944;
3:58 p. m.]

[MPR 260, Order 31]

R. J. SEIDENBERG CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered, That:*

(a) R. J. Seidenberg Company, 5 South Division Street, Buffalo 3, New York (hereinafter called "importer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Belinda.....	Best values...	50 25	\$190 195	\$0.25 .25

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or

the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective November 18, 1944.

Issued this 17th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17655; Filed, Nov. 17, 1944;
3:56 p. m.]

[MPR 260, Order 32]

NATIONAL CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered, That:*

(a) National Cigar Company, 110 East Eleventh Street, Los Angeles 15, California (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
La Cosmopolita...	Belvederes....	25	\$203.50	\$0.28
	Symbols.....	25	160.00	.20
	Petit Cetros....	25	176.00	.22
	Perfectos.....	25	240.00	.33
	Club Coronas..	25	220.00	.30
Oliver.....	Petit Cetros....	25	203.50	.28

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the

same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective November 18, 1944.

Issued this 17th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17656; Filed, Nov. 17, 1944;
3:57 p. m.]

[MPR 260, Order 33]

N. RICE DRUG & CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered, That:*

(a) N. Rice Drug & Cigar Company, 1316 Forbes Street, Pittsburgh 19, Pennsylvania (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appro-

private maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Aquiles.....	Rices.....	50	\$145	3 for 50¢

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective November 18, 1944.

Issued this 17th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17657; Filed, Nov. 17, 1944; 3:57 p. m.]

[Zoning Order 1 Under 2d Rev. RO 3]

SUGAR

Eleventh Revised Zoning Order No. 1 under Revised Ration Order 3 is redesignated Zoning Order No. 1 under the Second Revised Ration Order 3 and is amended to read as follows:

Pursuant to section 13.1, Zoning Order No. 1 under the 2d Revised Ration Order 3; it is ordered:

Establishment of zones; authorization of certain deliveries, shipments and transfers. (a) The following zones are hereby established:

Zone 1 shall include the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Zone 1A shall include the State of Connecticut.

Zone 2 shall include that part of the State of New York which is not located in Zone 2A; and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex, and Union Counties in the State of New Jersey.

Zone 2A shall include Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, and Yates Counties in the State of New York.

Zone 3 shall include the States of Delaware and Pennsylvania and that part of the State of New Jersey which is not included in Zone 2.

Zone 3A shall include that part of the State of Indiana which is not located in Zone 3; and Adams, Athens, Brown, Butler, Clark, Clermont, Clinton, Fairchild, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Highland, Hocking, Jackson, Lawrence, Licking, Madison, Meigs, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Vinton, Warren, and Washington Counties in the State of Ohio.

Zone 4 shall include the State of Maryland; Barbour, Berkeley, Braxton, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzell, Wirt, and Wood Counties in the State of West Virginia; Accomac, Arlington, Caroline, Charles City, Clarke, Culpepper, Elizabeth City, Essex, Fairfax, Fauquier, Frederick, Gloucester, Greene, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Madison, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Orange, Page, Prince George, Princess Anne, Prince William, Rappahannock, Richmond, Rockingham, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, and York Counties and the independent cities of Alexandria, Fredericksburg, Hampton, Harrisonburg, Hopewell, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, Suffolk, Williamsburg, and Winchester in the State of Virginia; and the District of Columbia.

Zone 5 shall include all points in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland; that part of the State of Virginia which is not included in Zone 4; and that part of the State of West Virginia which is not included in Zones 4 or 10.

Zone 6 shall include the States of Georgia and South Carolina; and that part of the State of North Carolina which is not included in Zone 5.

Zone 7 shall include that part of the State of Florida which lies east of the Apalachicola River.

Zone 8 shall include the States of Arkansas, Alabama, Louisiana, and Mississippi; that part of the State of Florida which lies west of the Apalachicola River; Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Henderson, Hickman, Livingston, Lyon, Marshall, McCracken, Trigg, Union, and Webster Counties in the State of Kentucky; and Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Houston, Humphreys, Lake, Lauderdale, McNairy, Madison, Obion, Perry, Shelby, Steward, Tipton, Wayne, and Weakley Counties in the State of Tennessee; and Benton, Boone, Brown, Carroll, Clark, Clay, Clinton, Crawford, Daviess, Dubois, Floyd, Fountain, Gibson, Greene, Harrison, Hendricks, Jasper, Johnson, Knox, Lake, Lawrence, Marion, Martin, Monroe, Montgomery, Morgan, Newton, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Spencer, Sullivan, Tippecanoe, Vanderburgh, Vermillion, Vigo, Warren, Warrick, Washington, and White Counties in the State of Indiana.

Zone 8A shall include those parts of the States of Kentucky and Tennessee which are not located in Zone 8.

Zone 9 shall include that part of the State of Texas which is not located in Zone 9A.

Zone 9A shall include Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Kent, King, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Scurry, Sherman, Sterling, Stonewall, Swisher, Terrell, Terry, Upton, Ward, Wheeler, Winkler, and Yoakum Counties in the State of Texas.

Zone 10 shall include the lower peninsula of the State of Michigan; that part of the State of Ohio which is not located in Zone 3A; and Brooke, Hancock, Ohio and Marshall Counties in the State of West Virginia.

Zone 11 shall include the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin; the upper peninsula of the State of Michigan; and all counties in the State of Oklahoma except Beaver, Cimarron, and Texas Counties.

Zone 12 shall include all of the continental United States not included in Zones 1 to 11, inclusive.

(b) "Base rate", as used herein, refers to the lowest published refiners' base rate in effect on the effective date of this Zoning Order No. 1.

(c) For the purposes of this Zoning Order No. 1, the provision that certain kinds of sugar, specified in section 13.1 (d), may be delivered from one zone to any point in another zone, does not apply.

(d) However sugar may be delivered, shipped, or transferred, by a primary distributor, from one zone to any point in any other zone.

(e) Any carrier, who has, prior to the effective date of this Zoning Order No. 1, accepted sugar for a delivery, shipment, or transfer not at that time prohibited by section 13.1 may complete such delivery, shipment, or transfer after the effective date of this Zoning Order No. 1 under the Second Revised Ration Order 3.

This zoning order shall become effective November 17, 1944.

Issued this 17th day of November 1944.

IVAN W. BURDICK,
Director,
Food Rationing Division.

[F. R. Doc. 4-17654; Filed, Nov. 17, 1944;
3:56 p. m.]

[Supp. Reg. 15, Order 7]

COBB MANUFACTURING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

That Order No. 7, issued September 12, 1944, under § 1499.75 (a) (18) of Supplementary Regulation No. 15 to the General Maximum Price Regulation be revised to read as follows:

Maximum prices for certain brands of bluing. (a) Cobb Manufacturing Company, Richmond, Virginia, the manufacturer, and each wholesaler of the following brands of bluing may increase their maximum prices for said commodities under the provisions of the General Maximum Price Regulation by the amount set opposite each:

Good Luck Stick Bluing (in cans) 20 cents per gross.

Good Luck Stick Bluing (in cartons) 28 cents per gross.

Good Luck Condensed Liquid Bluing 59 cents per gross.

(b) With or prior to the first delivery of any of the aforesaid commodities to a wholesaler, Cobb Manufacturing Company, the manufacturer, shall furnish such wholesaler, the following written notice:

The prices here charged for Good Luck Stick Bluing and Good Luck Condensed Liquid Bluing have been increased by permission of the Office of Price Administration. You are permitted to increase your maximum prices on sales to retailer by the following amounts:

Good Luck Stick Bluing (in cans) 20 cents per gross.

Good Luck Stick Bluing (in cartons) 28 cents per gross.

Good Luck Condensed Liquid Bluing 59 cents per gross.

The Office of Price Administration has instructed us to inform you that, with or prior to the first delivery of any of the aforesaid commodities to retailers, you must inscribe on the invoice the following notation:

The prices here charged for Good Luck Stick Bluing and Good Luck Condensed Liquid Bluing have been increased by permission of the Office of Price Administration which has instructed us to inform you that no increase in the maximum retail prices of these products is sanctioned or permitted by law.

(c) With or prior to the first delivery of any of the aforesaid commodities to a retailer, each wholesaler thereof shall inscribe on the invoice furnished such retailer the following notation:

The prices here charged for Good Luck Stick Bluing and Good Luck Condensed Liquid Bluing have been increased by permis-

sion of the Office of Price Administration which has instructed us to inform you that no increase in the retail prices of these products is sanctioned or permitted by law.

This order shall become effective November 20, 1944.

Issued this 18th day of November 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-17692; Filed, Nov. 18, 1944;
11:23 a. m.]

[MPR 188, Order 2925]

TRI-STATE FURNITURE MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of two items of upholstery manufactured by Tri-State Furniture Mfg. Co., 447 East Mallory Avenue, Memphis, Tennessee.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to the classes of purchasers listed below, the maximum prices are the following:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to persons other than retailers who sell from their own stock	Maximum price to retailers
Juvenile Rocker.....	4	\$2.76	\$2.60	\$3.25
Upholstered rocker.....	44	6.59	6.20	7.75

The price for #44 rocker is approved in grade "B" covering only. The maximum price in any other grade may be derived by adding or deducting a differential of 46¢ for each grade variation as determined from the following grade chart.

Grade:	Cost per yard
A.....	\$0.75 to \$1.00
B.....	1.01 to 1.25
C.....	1.26 to 1.49
D.....	1.50 to 1.74
E.....	1.75 to 1.99
F.....	2.00 to 2.24
G.....	2.25 to 2.50

These prices are f. o. b. factory, net within thirty days, and are for the articles described in the manufacturer's application dated July 25, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the man-

ufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article and Model No.:	Maximum price to retailers
Juvenile rocker, 4.....	\$3.25
Upholstered rocker, 44.....	7.75

The price for #44 rocker is approved in grade "B" covering only. The maximum price in any other grade may be derived by adding or deducting a differential of 46¢ for each grade variation.

These prices are net within thirty days, and are for the articles described in the manufacturer's application dated July 25, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 21st day of November 1944.

Issued this 20th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17766; Filed, Nov. 20, 1944;
11:47 a. m.]

[MPR 188, Order 2926]

LEONARDS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a baby auto seat manufactured by Leonards, Fort Worth, Texas.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's

stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Baby auto seat.....	1	Each \$1.55	Each \$1.80

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated October 7, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article and Model No.:	Maximum price to retailers (each)
Baby auto seat, 1.....	\$1.80

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated October 7, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 21st day of November 1944.

Issued this 20th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17767; Filed, Nov. 20, 1944; 11:49 a. m.]

[MPR 260, Order 41]

JOHN WAGNER & SONS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered, That:*

(a) John Wagner & Sons, 233 Dock Street, Philadelphia 6, Pennsylvania (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
La Nacional..	Eloisas.....	50	\$225.00	\$0.30
	Fancy Tales.....	25	303.00	.50
	Giant Individuals.....	5	869.00	1.10
	La Nacional de Luxe.....	25	418.00	.55
	Pencils.....	50	93.50	.11
	Perfectos.....	25	242.00	.33
	Pets.....	25	121.00	.17
	Pastores.....	50	242.00	.33
	Sublimes.....	25	154.00	.85 for
	Viejos.....	25	242.00	.83

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this

order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective November 21, 1944.

Issued this 20th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17768; Filed, Nov. 20, 1944; 11:47 a. m.]

[MPR 260, Order 42]

KOSSOFF BROTHERS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered, That:*

(a) Kossoff Brothers, 516 Eighth Avenue, New York 18, New York (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Castaneda....	National Cabinet.....	25	\$385.00	\$0.50
	Normandos.....	50	153.00	.22
	Panatelas.....	50	140.00	.50 for
	Perfeccionados.....	25	203.50	.28
	Perfectos.....	25	235.00	.33
	Selection No. 1.....	50	235.00	.33
	Selection No. 4.....	50	185.00	.28
	Selection No. 5.....	50	150.00	.20

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and

Issued this 20th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17770; Filed, Nov. 20, 1944;
11:48 a. m.]

[IMPR 260, Order 44]

JOSEPH MELENDI

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Joseph Melendi, 43 Fulton Street, New York 7, New York (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
La Flor de Tabacos de Miguel F. L.	No. 15. Londra Coronitas Cubanitos Royal Palm	50 50 50 50 50	\$150.00 187.50 143.00 73.00 100.00	\$0.30 3 for .25 3 for .55 10 2 for .25

and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list-price and the maximum retail price established by this order for such brand and frontmark

most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective November 21, 1944.

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same price class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same price class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same price class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective November 21, 1944.

Issued this 20th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17769; Filed, Nov. 20, 1944;
11:48 a. m.]

[IMPR 260, Order 43]

JOHN WAGNER & SONS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) John Wagner & Sons, 233 Dock Street, Philadelphia 6, Pennsylvania (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Romeo & Julieta	Campinas Extra Chiquitas Decoritas Decoritas Chicas Demi Tasse Fancy Tules Invencibles Finos	25 50 50 100 50 25 25	\$407.50 60.00 185.00 185.00 115.50 353.00 280.50	\$0.65 14 28 28 14 50 3 for 1.10

ferentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same price class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his

shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same price class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same price class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing dif-

of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective November 21, 1944.

Issued this 20th day of November 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-17771; Filed, Nov. 20, 1944; 11:47 a. m.]

Regional and District Office Orders. LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on November 15, 1944.

REGION I

Boston Order 1-W, Amendment 2-A, covering fresh eggs in Western Massachusetts, filed 9:45 p. m.

Boston Order 1-W, Amendment 3, covering fresh eggs in certain counties in Massachusetts, filed 9:45 p. m.

Boston Order 1-W, Amendment 4, covering poultry in certain counties in the State of Massachusetts, filed 9:50 p. m.

Providence Order 2-F, Amendment 20, covering fresh fruits and vegetables in the State of Rhode Island, filed 10:03 p. m.

REGION II

Williamsport Order 2-F, Amendment 10, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 10:01 a. m.

REGION III

Toledo Order 1-W, covering dry groceries in certain counties in the State of Ohio, filed 10:09 a. m.

Toledo Order 1-W, Amendment 1, covering certain dry groceries in certain counties in Ohio, filed 10:03 a. m.

Toledo Order 1-W, Amendment 2, covering certain dry groceries in certain counties in Ohio, filed 9:58 a. m.

Toledo Order 5, covering community ceiling prices in certain counties in Ohio, filed 10:01 a. m.

Toledo Order 5, Amendment 1, covering certain food prices in certain counties in Ohio, filed 10:00 a. m.

Toledo Order 1-W, Amendment 5, covering dry groceries in certain counties in Ohio, filed 9:56 a. m.

Toledo Order 6, covering certain food items in certain counties in the State of Ohio, filed 10:09 a. m.

Toledo Order 6, Amendment 1, covering dry groceries in certain counties in Ohio, filed 10:09 a. m.

Toledo Order 1-W, Amendment 8, covering certain food items in certain counties in Ohio, filed 9:56 a. m.

REGION V

Fort Worth Order 15, Amendment 4, covering certain food items in Fort Worth, Tex., filed 9:54 a. m.

Fort Worth Order 16, Amendment 4, covering certain food items in Fort Worth, Tex., filed 9:53 a. m.

Houston Order 1-0, covering eggs in certain counties in the State of Texas, filed 10:02 a. m.

Houston Order 1-F, Amendment 31, covering fresh fruits and vegetables in Houston, Tex., filed 10:03 a. m.

Houston Order 2-F, Amendment 14, covering fresh fruits and vegetables in Houston, Tex., filed 10:02 a. m.

Houston Order 3-F, Amendment 19, covering fresh fruits and vegetables in Houston, Tex., filed 10:02 a. m.

San Antonio Order G-13, Amendment 2, covering community ceiling prices in certain counties in Texas, filed 9:55 a. m.

San Antonio Order G-14, Amendment 2, covering community ceiling prices in certain counties in Texas, filed 9:54 a. m.

Shreveport Order 3-W, Amendment 2, covering community food prices in Shreveport, La., filed 9:55 a. m.

St. Louis Order 3-F, Amendment 18, covering fresh fruits and vegetables in St. Louis, Mo., filed 9:53 a. m.

St. Louis Order 3-W, Amendment 4, covering dry groceries in St. Louis, Mo., filed 9:53 a. m.

St. Louis Order 4-W, Amendment 3, covering dry groceries in St. Louis, Mo., filed 9:53 a. m.

St. Louis Order G-17, Amendment 10, covering dry groceries in St. Louis, Mo., filed 9:51 a. m.

St. Louis Order G-18, Amendment 6, covering community ceiling prices in St. Louis, Mo., filed 9:51 a. m.

St. Louis Order G-19, Amendment 11, covering community ceiling prices in St. Louis, Mo., filed 9:51 a. m.

St. Louis Order G-20, Amendment 8, covering community ceiling prices in St. Louis, Mo., filed 9:51 a. m.

REGION VI

Des Moines Order 2-F, Amendment 14, covering fresh fruits and vegetables in Des Moines, Iowa, filed 11:38 a. m.

Duluth-Superior Order 1-F, Amendment 43, covering fresh fruits and vegetables in certain counties in Minnesota, filed 10:00 a. m.

Fargo-Moorhead Order 1-F, Amendment 10, covering fresh fruits and vegetables in Fargo, N. Dak., filed 9:59 a. m.

Fargo-Moorhead Order 2-F, Amendment 10, covering fresh fruits and vegetables in certain counties in N. Dak., filed 9:50 a. m.

Fargo-Moorhead Order 3-F, Amendment 10, covering fresh fruits and vegetables in certain counties in North Dakota, filed 9:51 a. m.

Springfield Order 1-FS, Amendment 16, covering fresh fruits and vegetables in Springfield and Sangamon County, Ill., filed 9:43 a. m.

Springfield Order 10-F, covering fresh fruits and vegetables in all counties in Springfield, Ill., filed 9:43 a. m.

Springfield Order 36 through 41, Amendment 4, covering poultry in all counties in Ill., filed 9:44 a. m.

Springfield Order 42, Amendment 3, covering poultry in all counties in Springfield, Ill., filed 9:42 a. m.

Twin Cities Order 2-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Minnesota and Wisconsin, filed 9:59 a. m.

REGION VII

New Mexico Order F-1, Amendment 31, covering fresh fruits and vegetables in Albuquerque and Gallup, N. Mex., filed 9:32 a. m.

New Mexico Order F-2, Amendment 17, covering fresh fruits and vegetables in Santa Fe and Las Vegas, N. Mex., filed 9:42 a. m.

New Mexico Order F-4, Amendment 17, covering fresh fruits and vegetables in certain counties in New Mexico, filed 9:42 a. m.

New Mexico Order F-6, Amendment 14, covering fresh fruits and vegetables in certain counties in New Mexico, filed 9:32 a. m.

New Mexico Order F-7, Amendment 6, covering fresh fruits and vegetables in New Mexico, filed 9:32 a. m.

REGION VIII

San Francisco Order F-1, Amendment 41, covering fresh fruits and vegetables in certain counties in San Francisco, filed 9:27 a. m.

San Francisco Order F-2, Amendment 34, covering fresh fruits and vegetables in certain counties in San Francisco, filed 9:23 a. m.

San Francisco Order F-3, Amendment 33, covering fresh fruits and vegetables in certain counties in California, filed 9:28 a. m.

San Francisco Order F-4, Amendment 32, covering fresh fruits and vegetables in certain cities in California, filed 9:28 a. m.

San Francisco Order F-5, Amendment 31, covering fresh fruits and vegetables in certain cities in California, filed 9:29 a. m.

San Francisco Order F-6, Amendment 27, covering fresh fruits and vegetables in certain cities in California, filed 9:29 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-17652; Filed, Nov. 17, 1944; 8:55 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on November 17, 1944.

REGION II

Binghamton Order 2-F, Amendment 8, covering fresh fruits and vegetables in certain counties in the State of New York, filed 9:31 a. m.

Philadelphia Order 6-F, Amendment 2, covering fresh fruits and vegetables in the city and county of Philadelphia, filed 9:32 a. m.

Philadelphia Order 7-F, Amendment 2, covering fresh fruits and vegetables in certain counties in the State of Pennsylvania, filed 9:32 a. m.

Philadelphia Order 8-F, Amendment 2, covering fresh fruits and vegetables in certain counties in the State of Pennsylvania, filed 9:31 a. m.

Philadelphia Order 9-F, covering fresh fruits and vegetables in certain counties in the State of Pennsylvania, filed 9:33 a. m.

Philadelphia Order 10-F, covering fresh fruits and vegetables in certain counties in the State of Pennsylvania, filed 9:32 a. m.

Pittsburgh Order 1-F, Amendment 30, covering fresh fruits and vegetables in certain counties in the State of Pennsylvania, filed 9:31 a. m.

REGION III

Louisville Order 4-F under 3-B, Amendment 8, covering fresh fruits and vegetables in certain counties in Kentucky, filed 9:35 a. m.

Louisville Order 5-F under 3-B, Amendment 8, covering fresh fruits and vegetables in certain counties in Kentucky, filed 9:36 a. m.

Louisville Order 6-F under 3-B, Amendment 8, covering fresh fruits and vegetables in certain counties in Kentucky and Ohio, filed 9:36 a. m.

Louisville Order 7-F under 3-B, Amendment 8, covering fresh fruits and vegetables

in certain counties in Kentucky and Ohio, filed 9:36 a. m.

REGION IV

Charlotte Order 3-F, covering fresh fruits and vegetables in the Charlotte area, filed 9:29 a. m.

Savannah Order 7-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Georgia, filed 9:35 a. m.

Savannah Order 8-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Georgia, filed 9:34 a. m.

Savannah Order 9-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Georgia, filed 9:34 a. m.

Savannah Order 10-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Georgia, filed 9:33 a. m.

Savannah Order 11-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Georgia, filed 9:33 a. m.

REGION VI

Milwaukee Order 3F, Amendment 42, covering fresh fruits and vegetables in Milwaukee County, Racine and Kenosha cities, filed 9:29 a. m.

Peoria Order 5-F, Amendment 10, covering fresh fruits and vegetables in Knox and Galesburg Counties in Illinois, filed 9:29 a. m.

Peoria Order 4-F, Amendment 22, covering fresh fruits and vegetables in McLean County in the State of Illinois, filed 9:29 a. m.

Peoria Order 2-F, Amendment 27, covering fresh fruits and vegetables in the counties of Peoria and Tazewell in Illinois, filed 9:30 a. m.

Peoria Order 3-F, Amendment 27, covering fresh fruits and vegetables in the County of Will and the State of Illinois, filed 9:30 a. m.

REGION VIII

Fresno Order 1-F, Amendment 44, covering fresh fruits and vegetables in the city of Fresno, filed 9:28 a. m.

Fresno Order 2-F, Amendment 32, covering fresh fruits and vegetables in the city of Modesto, filed 9:27 a. m.

Fresno Order 3-F, Amendment 29, covering fresh fruits and vegetables in certain cities in California, filed 9:27 a. m.

Fresno Order 6-F, Amendment 15, covering fresh fruits and vegetables in Kern County, Calif., filed 9:26 a. m.

San Diego Order 1-F, Amendment 78, covering fresh fruits and vegetables in San Diego, Calif., filed 9:28 a. m.

San Diego Order 1-F, Amendment 79, covering fresh fruits and vegetables in San Diego, Calif., filed 9:28 a. m.

San Francisco Order W-1, Amendment 3, covering community ceiling prices in San Francisco, Calif., filed 9:25 a. m.

San Francisco Order G-9, Amendment 9, covering community ceiling prices in San Francisco, Calif., filed 9:25 a. m.

San Francisco Order G-10, Amendment 9, covering certain food items in San Francisco, Calif., filed 9:22 a. m.

San Francisco Order G-11, Amendment 9, covering certain food items in San Francisco, Calif., filed 9:22 a. m.

San Francisco Order G-13, Amendment 4, covering certain food items in San Francisco, Calif., filed 9:25 a. m.

San Francisco Order G-14, Amendment 3, covering certain food items in San Francisco, Calif., filed 9:24 a. m.

Spokane Order 1-F, Amendment 34, covering fresh fruits and vegetables in Spokane County, Wash., filed 9:24 a. m.

Spokane Order 2-F, Amendment 31, covering fresh fruits and vegetables in Kootenai County, Idaho, filed 9:24 a. m.

Spokane Order 3-F, Amendment 9, covering fresh fruits and vegetables in Shoshone and Kootenai Counties in Idaho, filed 9:23 a. m.

Spokane Order 4-F, Amendment 7, covering fresh fruits and vegetables in Latah

County, Idaho and Whitman County, Wash., filed 9:23 a. m.

Spokane Order 5-F, Amendment 14, covering fresh fruits and vegetables in Asotin County, Wash., and Nez Perce County, Idaho, filed 9:32 a. m.

Spokane Order 6-F, Amendment 15, covering fresh fruits and vegetables in Columbia and Walla Walla Counties, Wash., filed 9:22 a. m.

Spokane Order 7-F, Amendment 8, covering fresh fruits and vegetables in Benton and Franklin Counties, Wash., filed 9:22 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-17686; Filed, Nov. 18, 1944; 11:21 a. m.]

[Region II, Rev. Order G-34 Under RMPR 122, Am. 6]

MOREA-NEW BOSTON BREAKER CORP.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Revised Order No. G-34 is amended in the following respect:

1. Paragraph (a) is amended by adding the following anthracite to the anthracite specified under "Group I":

Anthracite produced by Morea-New Boston Breaker Corporation and prepared at its Morea Colliery.

This Amendment No. 6 to Revised Order No. G-34 shall become effective as of November 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong.—E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of November 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-17714; Filed, Nov. 18, 1944; 11:32 a. m.]

[Region II Order G-51 Under RMPR 122 and MPR 120]

SOLID FUELS IN CAMBRIA AND BLAIR COUNTIES, PA.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122 and under § 1340.209 of Maximum Price Regulation No. 120, it is ordered:

(a) *What this order does*—(1) *Maximum prices: area covered.* If you are a dealer in solid fuels, or if you are a producer of bituminous coal making "direct-delivery" sales at retail, this order fixes the maximum prices which you may charge, and if you are a purchaser in the

course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite", for certain sizes, quantities and types of bituminous coal, and for beehive oven coke, delivered to or at any point in the zones comprising Commonwealth of Pennsylvania—Coal Area XI. That area consists of two zones, as follows:

Zone 1.—Zone 1 includes the City of Altoona; the Boroughs of Duncansville, Hollidaysburg and Newry; and the Townships of Allegheny, Blair, Freedom, Frankstown, Juniata and Logan in Blair County.

Zone 2.—Zone 2 includes all of Cambria County.

(2) *Schedules of prices and charges.* The applicable prices and authorized charges from which you shall determine the maximum prices for designated kinds, sizes and quantities of coal delivered within Zones 1 and 2 are set forth in Schedules I and II, respectively.

(3) *To what sales this order applies.* If you are a dealer in solid fuels, or if you are a producer of bituminous coal making "direct-delivery" sales at retail, you are bound by the prices and charges, and by all other provisions of this order for all deliveries within Zones 1 and 2.

You shall determine the maximum price for "direct-delivery" sales, as hereinafter defined, by reference to the appropriate schedule of this order covering the zone to which delivery is made, whether or not you are located in one of the two zones.

You shall determine your maximum price for a "yard" sale, as hereinafter defined, by reference to the appropriate schedule of this order covering the zone in which the purchaser takes physical possession or custody of the solid fuel.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not—

(1) Sell or, in the course of trade or business, buy solid fuels of the kinds, sizes, and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by—

(i) Changing the discounts authorized herein, if any, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum prices as follows:

(1) *Use the schedule which covers your sale.* (Schedule I applies to sales on a "direct-delivery" basis and "yard" sales within Zone 1. In like manner, Schedule II applies to "direct-delivery" sales and "yard" sales in Zone 2. You will find Schedule I in paragraph (d) and Schedule II in paragraph (e)).

(2) Take the dollars-and-cents figure given in the applicable table of the applicable schedule, for the kind, size and quantity of solid fuel you are selling.

(3) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in the schedules.

(d) *Schedule I.* Schedule I establishes a specific maximum price for certain kinds, sizes and quantities of solid fuel, delivered to or at any point within Zone 1. There is a separate table of prices for "direct-delivery" sales and "yard" sales.

(1) SALES ON A "DIRECT-DELIVERY" BASIS BY DEALERS, AND BY BITUMINOUS COAL PRODUCERS

[For sales of coal of the kinds and sizes, and in the quantities specified]

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 pounds for sales of 100 pounds or more but less than ½ ton
Pennsylvania anthracite:			
Broken, egg, stove, nut.....	\$12.35	\$6.70	\$0.75
Pea.....	11.30	6.15	.70
Buckwheat.....	9.65	5.35	.60
Rice.....	8.80	4.90	.55
Beehive oven coke: (Connellsville district).....	11.50	6.25	.70
Bituminous coal:			
Producing district 1:			
Screened "cannel coal," size group 1, truck shipped coal, price classification A.....	6.50	3.75	.45
Lump, size group 1, rail shipped coal, price classification D through F.....	5.85	3.45	.40
Lump, size group 1, truck shipped coal, from the Forks Coal Mining Co. at its Hughes No. 11 mine, mine index No. 219.....	5.85	3.45	.40
Nut or pea, size group 2, rail and truck shipped coal, from A, B, C, C', D, and E seams:			
(a) Treated.....	5.90	3.45	.40
(b) Untreated.....	5.70	3.35	.40
Run-of-mine, size group 3, rail shipped coal, price classification D through G.....	5.30	3.15	.40
Run-of-mine, size group 3, truck shipped coal, from the A, B, C, C', D, and E seams.....	5.30	3.15	.40
¾" slack, size group 5, rail shipped coal, price classification D.....	5.30	3.15	.40
Producing district 2:			
Run-of-mine, size group 6, rail shipped coal, price classification D.....	5.90	3.45	.40
Run-of-mine, size group 6, truck shipped coal, from Allegheny and Westmoreland Counties, Pa.....	6.90	3.45	.40

(1) SALES ON A "DIRECT-DELIVERY" BASIS BY DEALERS, AND BY BITUMINOUS COAL PRODUCERS—Con.

[For sales of coal of the kinds and sizes, and in the quantities specified]

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 pounds for sales of 100 pounds or more but less than ½ ton
Bituminous coal—Con.			
Producing district 3:			
Egg, size group 2, rail shipped coal, price classification J.....	\$5.90	\$3.45	\$0.40

On single ton deliveries of bituminous coal, the foregoing per net ton prices may be increased by 50¢ per net ton.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser	Maximum authorized service charges
"Carry" or "wheel" (except for sales amounting to less than ½ ton).....	50¢ per net ton. 25¢ per net ½ ton.
Carrying up or downstairs, for each full flight above or below the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel".....	25¢ per net ton. 15¢ per net ½ ton. 50¢ per net ton.
Double chute (more than 12').....	12¢ per net ½ ton.

(2) "YARD" SALES BY DEALERS¹

[For sales of coal of the kinds and sizes, and in the quantities specified]

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 lbs. for sales of less than ½ ton
Pennsylvania anthracite:		
Broken, egg, stove, nut.....	\$11.85	\$0.70
Pea.....	10.80	.65
Buckwheat.....	9.15	.55
Rice.....	8.30	.50
Beehive oven coke: (Connellsville district).....	11.00	.65
Bituminous coal:		
Producing district 1:		
Screened "cannel coal," size group 1, truck shipped coal, price classification A.....	6.00	.40
Lump, size group 1, rail shipped coal, price classification D through F.....	5.25	.35
Lump, size group 1, truck shipped coal, from the Forks Coal Mining Co. at its Hughes No. 11 mine, mine index No. 219.....	5.35	.35
Nut or pea, size group 2, rail and truck shipped coal, from A, B, C, C', D, and E seams:		
(a) Treated.....	5.40	.35
(b) Untreated.....	5.20	.35
Run of mine, size group 3, rail shipped coal, price classification D through G.....	4.80	.35
Run-of-mine, size group 3, truck shipped coal, from A, B, C, C', D and E seams.....	4.80	.35
¾" slack, size group 5, rail shipped coal, price classification D.....	4.80	.35
Producing district 2:		
Run-of-mine, size group 6, rail shipped coal, price classification D.....	5.40	.35
Run-of-mine, size group 6, truck shipped coal, from Allegheny and Westmoreland counties, Pa.....	5.40	.35
Producing district 3:		
Egg, size group 2, rail shipped coal, price classification J.....	5.40	.35

¹ Producers' "Yard" sales not governed by this order.

(e) *Schedule II.* Schedule II establishes a specific maximum price for certain kinds, sizes and quantities of solid fuel, delivered to or at any point within Zone 2. There is a separate table of prices for "direct-delivery" sales and "yard" sales.

(1) SALES ON A "DIRECT-DELIVERY" BASIS BY DEALERS, AND BY BITUMINOUS COAL PRODUCERS

[For sales of coal of the kind and sizes, and in the quantities specified]

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 pounds for sales of 100 pounds or more but less than ½ ton
Bituminous coal:			
Producing District 1—			
Nut, size group 1, rail shipped coal, price classification A.....	\$6.25	\$3.65	\$0.45
Pea, size group 2, rail shipped coal, price classification A.....	6.10	3.55	.45
Run-of-mine, size group 3, truck shipped coal, Little Pittsburgh and A, B, C, C', D and E seams.....	4.90	2.95	.40

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser	Maximum authorized service charges
"Carry" or "wheel" (except for sales amounting to less than ½ ton).....	50¢ per net ton. 25¢ per net ½ ton.
Carrying up or downstairs, for each full flight above or below the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel".....	25¢ per net ton. 15¢ per net ½ ton. 50¢ per net ton.
Extra chute (more than 12' but less than 30').....	50¢ per net ton. 25¢ per net ½ ton. \$1.00 per net ton.
Extra chute (30' or more).....	50¢ per net ½ ton.

(2) "YARD" SALES BY DEALERS¹

[For sales of coal of the kinds and sizes, and in the quantities specified]

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 pounds for sales of less than ½ ton
Bituminous coal:		
Producing district 1:		
Nut, size group 1, rail shipped coal, price classification A.....	\$5.10	\$0.35
Pea, size group 2, rail shipped coal, price classification A.....	4.95	.35
Run-of-mine, size group 3, truck shipped coal, Little Pittsburgh and A, B, C, C', D and E seams.....	4.40	.30

¹ Producers' "Yard" sales not governed by this order.

(f) *Commingleing.* If one size or kind of solid fuel is sold commingled with another size or kind of solid fuel, the maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes or for the least expensive kind so commingled, whichever is lower, except in the following situation: Where a purchaser requests that two or more sizes or kinds of fuels be commingled in one delivery, then, and in that event, if these sizes and

kinds are separately weighed at the point of loading, the dealer may commingle those sizes and kinds in the truck or other vehicle, in which the delivery is made. The price for solid fuel so commingled shall be calculated on the basis of the applicable per net ton price for each size and kind in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size and kind in the combination.

(g) *Ex Parte 148; freight rate increase.* Since the Ex Parte 148 Freight Rate Increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(h) *Addition of increase in producer's or supplier's maximum price prohibited.* The specific maximum prices established by this order already reflect increases in maximum prices of bituminous coal producers affected and, in the case of dealers, in their supplier's maximum prices, which occurred up to the effective date of this order. You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increases in your maximum mine price, if you are a bituminous coal producer, nor in your supplier's maximum prices, if you are a dealer. The Regional Administrator will, if he deems it to be warranted, take appropriate action to amend this order to reflect such subsequent increases that may occur.

(i) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by Section 620 of the Revenue Act of 1942 actually paid or incurred by you, or any amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, or to the Commonwealth of Pennsylvania or any political subdivision thereof, you need not state this tax separately.

(j) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(k) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(l) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(m) *Applicability of other regulations.* If you are a dealer subject to this order,

you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(n) *Records.* If you are a dealer or producer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, a record of every sale of solid fuel hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(o) *Posting of maximum prices: sales slips and receipts.* (1) If you are a dealer or producer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer or producer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of solid fuel sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(p) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Altoona District Office of the Office of Price Administration, or with the Price Panel of the appropriate War Price and Rationing Board.

(q) *Definitions and explanations.* When used in this Order No. G-51, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States

or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling coal of the kinds and sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Bituminous coal producer" means a person engaged in the business of mining bituminous coal or preparing bituminous coal at a preparation plant which is an adjunct of a mine or mines, and any person acting as an agent of a producer in the sale of bituminous coal.

(5) "Direct delivery" means delivery to buyer's bin or other storage space designated by buyer.

(6) "Carry" and "Wheel" refer to the movement of coal to buyer's bin or storage space, in baskets or other containers, or by wheelbarrow or barrel, from the seller's truck or other vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which coal is discharged from the seller's truck in the course of "direct delivery".

(7) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(8) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(9) The sizes of Pennsylvania anthracite described as broken, egg, stove, nut, pea, buckwheat, and rice shall refer to the same sizes of the same fuel as were sold and delivered in the Commonwealth of Pennsylvania—Coal Area XI with such designation during December 1941. Under no circumstances, however, shall the anthracite contain an ash content in excess of the limits specified by Amendment No. 1 to Solid Fuels Administration for War Regulation No. 9.

(10) "Beehive oven coke" shall refer to run-of-oven coke made in beehive ovens in the Connellsville District, Pennsylvania.

(11) "District No." refers to the geographical coal-producing districts as defined in the Bituminous Coal Act of 1937, as amended, and as they have been modified as of midnight, August 23, 1943.

(12) All designations in this order of sizes, classifications, etc., applicable to bituminous coal, refer to the sizes, classifications, etc., as set forth in the minimum price schedules for the various producing districts issued by the Bituminous Coal Division of the United States Department of Interior, as in effect midnight, August 23, 1943.

(13) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maxi-

imum Price Regulation No. 122 shall apply to terms used herein.

(r) *Effect of order on Revised Maximum Price Regulation No. 122 and Maximum Price Regulation No. 120.* To the extent applicable, this order supersedes Revised Maximum Price Regulation No. 122 and Maximum Price Regulation No. 120.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order No. G-51 shall become effective November 13, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of November 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-17715; Filed, Nov. 18, 1944;
11:33 a. m.]

[Region II Order G-99 Under 18 (c)]

DEHYDRATED SWEET CORN IN NEW YORK REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region II of the Office of Price Administration under section 18 (c) of the General Maximum Price Regulation, it is hereby ordered:

(a) The maximum prices for the sale and delivery of dehydrated sweet corn in Region II by processors thereof shall be as follows: (1944 pack only)

48-5½ ounce packages.....	\$5.38 a case.
24-16 ounce packages.....	\$7.68 a case.
25-150 bulk containers.....	\$0.30 a pound.

(b) *Types of sellers covered.* This order shall apply only to processors of dehydrated sweet corn. Sales by wholesalers, as defined therein, shall be covered by MPR 421. Sales by retailers shall be covered by MPR 422 and 423. Sales by all other sellers who do not qualify as processors, wholesalers or retailers, shall continue to be subject to the General Maximum Price Regulation.

(c) All provisions of this order and their effect upon business practices, cost practices or methods, or means or aids to distribution in the industry or industries affected have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, aids or methods established in the industry or industries affected have been included in the order unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the order or of the act. To the extent that the provisions of this order compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of the order or of the act. To the extent that the provisions of this order compel or may operate to compel changes in business practices, cost practices or methods,

or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this order or of the Emergency Price Control Act of 1942, as amended.

(d) *Geographical applicability.* The provisions of this order shall apply to all sales and deliveries of dehydrated corn in Region II, which constitutes the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia.

(e) Unless the context manifestly otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended, shall apply to other terms herein.

(f) *Definitions.* "Processor" means a person who processes any part that he sells of the dehydrated sweet corn covered by this order. The term includes a person who has the goods custom-packed by another.

(g) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter either by special order or by price regulation issued hereafter or by supplementary order which may be contrary thereto.

This order shall become effective November 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4861)

Issued this 14th day of November 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-17713; Filed, Nov. 18, 1944;
11:32 a. m.]

[Region VII Rev. Order G-2 Under MPR 121, Amdt. 1]

SOLID FUELS IN DENVER REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1340.247a (b) of Maximum Price Regulation No. 121, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Revised General Order No. 2 under § 1340.247a (b) of Maximum Price Regulation No. 121 is hereby redesignated Revised Order No. G-2 Under § 1340.247a (b) of Maximum Price Regulation No. 121.

2. Revised Order No. G-2 under § 1340.247a (b) of Maximum Price Regulation No. 121 is hereby amended as follows:

Subparagraphs (1) and (2) of paragraph (b) are hereby amended by deleting from the end of subparagraph (1) the price "\$2.25" and substituting therefor "\$2.75," and by deleting from subparagraph (2) the price "\$2.00" and substituting therefor "\$2.50."

3. Paragraph 2 of this Amendment No. 1 shall *ipso facto* cease and determine and cease to be in force or effect at the end of sixty days from and after the effective date hereof, and at the expiration of such 60-day period the original prices of \$2.25 and \$2.00, respectively, shall

without any further affirmative action on the part of the Regional Administrator be restored to said subparagraphs (1) and (2), respectively: *Provided, however,* That any producer whose prices are involved may file with this Regional Office not less than fifteen days prior to the expiration of such 60-day period an application for the continuance of the higher prices established by this Amendment No. 1, and if such application and the evidence offered in support thereof justifies a continuance of such higher prices or any part thereof, the Regional Administrator may so order.

Effective date. This Amendment No. 1 shall become effective on the 9th day of November 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 11th day of November 1944.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 44-17718; Filed, Nov. 18, 1944;
11:34 a. m.]

[Region VII Order G-54 Under 18 (c)]

PULPWOOD IN MONTANA

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Order No. G-54 is issued.

(a) *What this order does.* By this Order No. G-54 the Regional Administrator, of his own motion, adjusts the prices for pulpwood sold delivered at the loading-out rail shipping point in the State of Montana to industrial consumers or to dealers.

(b) *Adjusted maximum prices.* On and after the effective date of this Order No. G-54, the maximum prices for pulpwood sold by any person delivered at the loading-out rail shipping point in the State of Montana to industrial consumers or dealers shall be as follows:

Kind of wood, description of cuts and price per cord

Spruce, in 100-inch lengths or shorter.....	\$9.50
Larch, Lodgepole Pine, Hemlock, or Ponderosa Pine, in 100-inch lengths or shorter.....	8.00
Any Species, in lengths of 10 feet or longer, not exceeding 10 inches in diameter at tip end.....	8.50

(c) *Definitions.* (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of the foregoing.

(2) "Pulpwood producer" or "seller" includes any person who sells pulpwood.

(3) "Industrial consumer" includes any person who purchases pulpwood for its own industrial use or consumption.

(4) "Pulpwood" means any spruce, larch, lodgepole pine, hemlock, or ponderosa pine wood, from which the bark

has not been removed, sold for manufacture into woodpulp.

(5) "Spruce wood" includes black spruce (*Picea mariana*) and white spruce (*Picea glauca*).

(6) "Hemlock wood" includes hemlock (*Tsuga canadensis*) and tamarack (*Larix laricina*).

(7) "Larch wood", also called tamarack, includes *Larix laricina*.

(8) "Lodgepole pine wood" includes *Pinus murrayana*.

(9) "Ponderosa Pine wood", also called bull pine, includes *Pinus ponderosa*.

(10) "A cord of pulpwood" means an amount of pulpwood which, when properly prepared and stacked, contains not less than 133 cubic feet less a tolerance of five cubic feet trimming allowance.

(11) "Dealer" means any person who sells to industrial consumers pulpwood not cut or prepared by such person, but purchased by such persons in the condition in which it is to be delivered to the industrial consumer and who sold and delivered not less than 8,000 cords of pulpwood to industrial consumers in any subsequent operating season. "Operating season" means the period between the first day of May in one year and the last of April in the next succeeding year.

(12) "Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells pulpwood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to an industrial consumer, and includes a dealer when the dealer sells to a person other than an industrial consumer.

(13) "Culls" means decayed sticks of wood, or sticks otherwise unsuited for manufacture into wood pulp.

(14) "Sale" or "sold" includes sales and deliveries, sales, and contracts to sell pulpwood.

(15) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation, as amended, shall apply to other terms used herein.

(d) **Allowances.** The prices established herein are for sound wood of top quality. All trade practices and customs with respect to allowances for culls, for firekills, or for defective wood of any kind must be observed by the seller.

(e) **Commissions allowed dealers and traders.** (1) If an industrial consumer of pulpwood buys pulpwood through a dealer, as defined in paragraph (c) (11), such industrial consumer may pay such dealer, in addition to the maximum price provided in paragraph (b), a commission not to exceed \$1.00 per cord. If any person buys pulpwood through a trader, as defined in paragraph (c) (12), such person may pay such trader, in addition to the maximum price provided in paragraph (b), a commission not to exceed 50¢ per cord: *Provided*, That in no case shall the aggregate amount of commissions paid to dealers or traders on any one cord of pulpwood exceed \$1.00.

(2) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission, on pulpwood cut by him or by his own operations. In no event shall a person receive a dealer's or trader's commission

on the cut of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the pulpwood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any other person, except that a dealer may pay a trader or trader's commission out of the dealer's commission. In addition to the price paid by the industrial consumer, a dealer may receive a dealer's commission only from an industrial consumer, and this only if the dealer fulfills all of the following requirements (i) through (vii) inclusive pertinent to him with respect to the transactions.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii)) with respect to the transactions:

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged;

(ii) The sale is made by the dealer to the industrial consumer;

(iii) The pulpwood sold by the dealer to the industrial consumer or sold by the trader to his vendee has been completely prepared for delivery by a person other than the dealer or trader;

(iv) The dealer or trader guarantees the merchantable quality of the pulpwood and that the pulpwood is free from all liens and incumbrances;

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation of the pulpwood, and that the charges are not in excess of those specified in paragraph (e) (1) above;

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever;

(vii) All pertinent provisions in this Order No. G-54 are strictly complied with.

(f) **Relation to other orders.** Except insofar as it is herein provided otherwise, all persons selling pulpwood in the State of Montana shall remain subject to all of the applicable terms and provisions of the General Maximum Price Regulation, and must continue to comply therewith.

Effective date. This Order No. G-54 shall become effective November 10, 1944.

NOTE: The record-keeping and reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 10th day of November 1944.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 44-17716; Filed, Nov. 18, 1944;
11:33 a. m.]

[Portland Order G-12 Under 18 (c)]

FIREWOOD IN GOLDENDALE, WASH., AREA

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the District Director of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation, or by any supplementary regulation thereto, for the sale and delivery of the types of firewood specified below in the Goldendale area in the State of Washington are hereby adjusted so that the maximum prices therefor shall be:

Type of firewood	Maximum price per cord delivered to premises of buyer	Maximum price per cord in the woods
16" old growth fir and pine forest wood.....	\$10.50	\$8.00
4" old growth fir and pine forest wood.....	9.50	7.00
16" second growth fir and pine forest wood.....	9.50	7.00
4" Second growth fir and pine forest wood.....	8.50	6.00

(b) **Definitions.** (1) "The Goldendale area" as herein stated means that portion of Klickitat County in the State of Washington which is within a 15 mile radius of the city limits of the city of Goldendale.

(c) No seller shall evade any of the provisions of this Order No. G-12 by changing the customary allowances, discounts, or other price differentials unless such change results in a lower price.

(d) Every seller affected by this order shall remain subject to all other provisions of the General Maximum Price Regulation.

(e) To the extent that application has been made for prices higher than the prices hereby established, such applications are denied. This applies to applications filed by the following sellers:

John Brookharst, Goldendale, Washington.
Franklyn P. Tobin, Rt. #1, Goldendale, Washington.

W. A. Doty, Goldendale, Washington.
A. R. Billick, Goldendale, Washington.
John E. Franklin, Goldendale, Washington.

(f) This order may be revoked, amended, or corrected at any time.

(g) **Invoices and records.** Every person making a sale of firewood for which a maximum price is set by this order shall give the purchaser or his agent at the time of sale an invoice or other memorandum of sale, which shall show:

(1) The date of sale.
(2) The name and address of the buyer and seller.

(3) The quantity of firewood sold.
(4) Description of firewood sold, in the same manner as it is described in this order. (This shall include the kind of wood, i. e. hard, soft, or mixed, and length of pieces of wood.)

(5) Place of sale. (If the price is dependent on place of delivery then the place of delivery shall be stated.)

(6) The total price of the wood.

On the invoice or memorandum, a separate statement shall be made of any discounts and of each service rendered such as delivery, carrying and stacking, and the charge made for each such service. The seller shall keep an exact copy of such invoice or memorandum for a period of two years and such copy shall be made available for inspection by the Office of Price Administration.

NOTE: The record-keeping provision of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective November 1, 1944.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of November 1944.

McCONNELL BROWN,
District Director.

[F. R. Doc. 44-17717; Filed, Nov. 18, 1944;
11:34 a. m.]

[Region I Order G-21 Under SR 15, MPR 280,
and MPR 329, Amdt. 10]

FLUID MILK IN MAINE

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation No. 280, and § 1351.408 of Maximum Price Regulation No. 329, Order No. G-21 is hereby amended in the following respects:

1. The subdivision designated Aroostook County in paragraph (a) (2) is amended to read as follows:

Aroostook County:
Blaine, Mars Hill..... Zone 4
Caribou, Ft. Fairfield, Houlton,
Mapleton, Presque Isle..... Zone 13
Remainder of Aroostook County... Zone 10

2. A new subparagraph (10) is added to paragraph (h) to read as follows:

(10) Amendment No. 10 shall become effective on October 25, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 24th day of October 1944.

ELDON C. SHOUP,
Regional Administrator.

Approved:

FRANCIS D. CRONIN,
Regional Director,
War Food Administration.

[F. R. Doc. 44-17712; Filed, Nov. 18, 1944;
11:32 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Divi-

sion of the Federal Register on November 18, 1944.

REGION III

Cincinnati Order 18, covering poultry in all counties in the Cincinnati district, filed 9:36 a. m.

Cincinnati Order 19, covering poultry in all counties in the Cincinnati district, filed 9:34 a. m.

Cleveland Order F-1, Amendment 13, covering fresh fruits and vegetables in Cuyahoga County, filed 9:47 a. m.

Cleveland Order F-3, Amendment 13, covering fresh fruits and vegetables in Trumbull and Mahoning Counties, filed 9:47 a. m.

Lexington Order 1-F, Amendment 55, covering fresh fruits and vegetables in Fayette County, Ky., filed 9:34 a. m.

Lexington Order 2-F, Amendment 49, covering fresh fruits and vegetables in Campbell and Kenton Counties in Kentucky, filed 9:33 a. m.

Lexington Order 3-F, Amendment 46, covering fresh fruits and vegetables in Boyd County, Ky., filed 9:34 a. m.

Indianapolis Order 11-F, Amendment 31, covering fresh fruits and vegetables in certain counties in Ohio and Indiana, filed 9:41 a. m.

Indianapolis Order 12-F, Amendment 16, covering fresh fruits and vegetables in certain counties in Indiana, filed 9:41 a. m.

REGION IV

Jacksonville Order 8-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Florida, filed 9:38 a. m.

Jacksonville Order 9-F, Amendment 4, covering fresh fruits and vegetables in the Jacksonville, Fla., area, filed 9:38 a. m.

Jacksonville Order 10-F, Amendment 4, covering fresh fruits and vegetables in certain cities in Florida, filed 9:38 a. m.

Jacksonville Order 10-F, Amendment 5, covering fresh fruits and vegetables in certain cities and towns in Florida, filed 9:38 a. m.

Memphis Order 7-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Tennessee, filed 9:47 a. m.

Montgomery Order 20-F, Amendment 2, covering fresh fruits and vegetables in Mobile County, Ala., filed 9:33 a. m.

Montgomery Order 21-F, Amendment 4, covering fresh fruits and vegetables in Montgomery County, Ala., filed 9:33 a. m.

Montgomery Order 22-F, Amendment 5, covering fresh fruits and vegetables in Houston County, Ala., filed 9:32 a. m.

Montgomery Order 23-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Alabama, filed 9:32 a. m.

Montgomery Order 24-F, Amendment 3, covering fresh fruits and vegetables in Dallas County, Ala., filed 9:31 a. m.

Roanoke Order 6-F, Amendment 2, covering fresh fruits and vegetables in certain cities and towns in Virginia, filed 9:39 a. m.

Roanoke Order 7-F, Amendment 2, covering fresh fruits and vegetables in certain cities and towns in Virginia, filed 9:39 a. m.

Roanoke Order 8-F, Amendment 2, covering fresh fruits and vegetables in certain towns in Virginia, filed 9:40 a. m.

Roanoke District Office 9-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Virginia, filed 9:40 a. m.

Roanoke Order 10-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Virginia, filed 9:41 a. m.

REGION V

Fort Worth Order 1-F, amendment 43, covering fresh fruits and vegetables in Fort Worth, filed 9:47 a. m.

Fort Worth Order 2-F, amendment 43, covering fresh fruits and vegetables in Fort Worth, filed 9:46 a. m.

Fort Worth Order 3-F, amendment 43, covering fresh fruits and vegetables in Fort Worth, filed 9:46 a. m.

Fort Worth Order 4-F, amendment 43, covering fresh fruits and vegetables in Fort Worth, filed 9:46 a. m.

Fort Worth Order 5-F, amendment 43, covering fresh fruits and vegetables in Fort Worth, filed 9:46 a. m.

Kansas City Order G-19, amendment 1, covering community ceiling prices in Kansas City, filed 9:46 a. m.

Kansas City Order G-20, amendment 1, covering community ceiling prices in Kansas City, filed 9:45 a. m.

Oklahoma City Order 3-F, amendment 41, covering fresh fruits and vegetables in Oklahoma City, filed 9:37 a. m.

Oklahoma City Order 3-W, amendment 2, covering community food prices in Oklahoma City, filed 9:37 a. m.

Oklahoma City Order G-13, amendment 2, covering certain food items in Oklahoma City, filed 9:37 a. m.

Oklahoma City Order G-14, amendment 2, covering certain food items in Oklahoma City, filed 9:37 a. m.

Shreveport Order 2-F, amendment 39, covering fresh fruits and vegetables in Shreveport, La., filed 9:45 a. m.

Shreveport Order G-15, amendment 3, covering certain dry groceries in Shreveport, La., filed 9:45 a. m.

REGION VI

Twin Cities Order 1-F, Amendment 5, covering fresh fruits and vegetables in St. Paul and Minneapolis, filed 9:31 a. m.

REGION VII

Boise Order 3-F, covering fresh fruits and vegetables in certain cities in Idaho, filed 9:43 a. m.

Boise Order 6-B, covering fresh fruits and vegetables in certain cities in Idaho, filed 9:31 a. m.

REGION VIII

Los Angeles Order LA 1-C, covering poultry in the Los Angeles area, filed 9:44 a. m.

Los Angeles Order LA 2-C, covering poultry in the Los Angeles area, filed 9:44 a. m.

Los Angeles Order LA 6-B, covering certain food prices in Los Angeles, filed 9:44 a. m.

Los Angeles Order LA 8, Amendment 23, covering poultry in Los Angeles, filed 9:43 a. m.

Los Angeles Order LA 9, covering poultry prices in the Los Angeles area, filed 9:45 a. m.

Los Angeles Order LA 10, Amendment 12, covering poultry in the Los Angeles area, filed 9:43 a. m.

Portland Order 6-B, covering poultry prices in the Portland area, filed 9:43 a. m.

Portland Order 11-C, covering poultry prices in the Portland area, filed 9:43 a. m.

Sacramento Order 1-W under 2-W, Amendment 4, covering community prices in Sacramento and Stockton areas, filed 9:42 a. m.

Sacramento Order 15, Amendment 3, covering dry groceries in the Sacramento-Stockton area, filed 9:42 a. m.

Sacramento Order 16, Amendment 3, covering dry groceries in the Nevada City, Placerville, Redding, and Susanville areas, filed 9:42 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-17765; Filed, Nov. 20, 1944;
11:43 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 7-754]

NATIONAL UNION RADIO CORP.

ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of November A. D. 1944.

In the matter of Application by the Philadelphia Stock Exchange to extend unlisted trading privileges to National Union Radio Corporation, Common Stock, 30¢ Par Value, File No. 7-754.

The Philadelphia Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Tuesday, December 5, 1944, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 44-17645; Filed, Nov. 17, 1944;
2:52 p. m.]

[File No. 70-988]

CITIES SERVICE CO. AND CITIES SERVICE REFINING CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of November, A. D. 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Cities Service Company, a registered holding company, and its subsidiary, Cities Service Refining Corporation regarding a proposal for the allo-

cation of federal income and excess profits taxes among Cities Service Company and those affiliated companies which join with it in the filing of consolidated federal income and excess profits tax returns, upon a basis differing from that expressly authorized by Rule U-45 (b) (6) promulgated under said act.

All interested persons are referred to said declaration or application (or both), which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Cities Service Company and those of its subsidiaries which join with it in the filing of a consolidated federal income and excess profits tax return are presently parties to a contract whereby, in relevant substance, it is provided that Cities Service Company shall be primarily responsible for the payment of the taxes above mentioned but that each of the companies which is a party to such agreement shall pay as its share of said tax an amount representing that percentage of the total consolidated income and excess profits taxes of said group of companies which such tax of such individual company (computed on a corporate basis) would bear to the total amount of such taxes of all the parties to said agreement (if computed on a corporate basis) for each particular tax period involved.

Cities Service Company now represents that its subsidiary, Cities Service Refining Corporation, has constructed a modern refinery equipped to produce large quantities of 100-octane gasoline to be used primarily for aviation fuel; that the existing emergency required utmost speed in the construction of such refinery resulting in increased costs in the construction; and that in connection with the construction and use of said refinery, Cities Service Refining Corporation obtained a Necessity Certificate pursuant to section 124 of the Internal Revenue Code which entitles said Corporation to utilize a special amortization deduction (in lieu of a depreciation deduction) from income for federal income and excess profits tax purposes, beginning August 1, 1944, the date of the commencement of operation of said refinery, amounting to 20% annually of the cost of said refinery, which cost is approximately \$76,000,000.

Cities Service Company and Cities Service Refining Corporation desire to utilize said special amortization deduction in the consolidated return for federal income and excess profits tax purposes for the year 1944 and subsequent years, but under the contract referred to above, a substantial amount of the tax savings resulting from the utilization of such special amortization deduction would accrue to the other subsidiary companies participating in said consolidated return.

In order that the benefits resulting from the utilization of said special amortization should accrue to Cities Service Refining Corporation it is proposed that the above mentioned tax agreement be amended by the addition thereto of a paragraph substantially as follows:

Notwithstanding any of the provisions hereof, if any subsidiary company which is a non-utility company and is a member of the affiliated group has constructed facilities which have been certified to the Commissioner of Internal Revenue pursuant to section 124 of the Internal Revenue Code as necessary in the interest of national defense during the emergency period and by reason of such Necessity Certificate said subsidiary company is entitled with respect to such facilities to a special amortization deduction (in lieu of a depreciation deduction) from income for Federal income and excess profits tax purposes, then and in such case, notwithstanding that such special amortization deduction is utilized in the consolidated return, the amount to be contributed to the Parent Company by each subsidiary company shall be computed as though such special amortization deduction had not been utilized either in the consolidated return or in the computation of the individual tax of the subsidiary company which has constructed the facilities and is entitled to the special amortization deduction, but instead thereof the normal depreciation allowable in respect of such facilities by the Bureau of Internal Revenue had been used. The contribution, so computed, of any such subsidiary company which has constructed such facilities and has utilized such special amortization deduction shall be decreased (but not below the amount of such contribution) by an amount equal to the tax reduction which said subsidiary company would have had as a result of utilizing such special amortization deduction if its taxes had been computed on an individual return basis.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matter under the applicable provisions of said act and rules of the Commission thereunder be held on November 29, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held;

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to Cities Service Company and Cities Service Refining Corporation; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard or otherwise wishing to participate in these proceedings, shall file with the Secretary of the Commission on or before November 27, 1944 his request to application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Charles S. Lobingier or any other officer or officers

of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by the said application or declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed change in the mode of allocation of taxes and tax benefits among Cities Service Company and its subsidiary companies is in the public interest and in the interest of investors and consumers, and is fair and equitable as among the parties to be affected;

(2) Whether any terms or conditions should be imposed in connection with authorization of the proposal set forth in the subject filing and, if so, what such terms and conditions should be.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17646; Filed, Nov. 17, 1944;
2:52 p. m.]

[File No. 70-943]

JOHNSTOWN FUEL SUPPLY CO. AND PENNSYLVANIA ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of November 1944.

Pennsylvania Electric Company and its wholly-owned subsidiary, Johnstown Fuel Supply Company, both of which are subsidiaries of Associated Electric Company, a registered holding company, having filed an application-declaration, as amended, pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 9 (a), 10, 12 (b), 12 (c) and 12 (f) thereof, and Rules U-42 and U-43 promulgated thereunder; said application-declaration, as amended, being concerned with the transfer from Pennsylvania Electric Company to Johnstown Fuel Supply Company, for cancellation, of all of the latter's outstanding shares of capital stock in consideration for all of the assets, subject to the liabilities, of Johnstown Fuel Supply Company, and the dissolution of Johnstown Fuel Supply Company; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion therein;

It is hereby ordered, That, pursuant to the applicable provisions of said act, the aforesaid application-declaration, as amended, be, and hereby is granted and permitted to become effective forthwith, subject to the terms and conditions pre-

scribed in Rule U-24 of the general rules and regulations.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17647; Filed, Nov. 17, 1944;
2:53 p. m.]

[File No. 812-355]

AERONAUTIC & AUTOMOTIVE INSURANCE AGENCY, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of November, A. D. 1944.

An application having been filed by the above-named applicant pursuant to section 3 (b) (2) of the Investment Company Act of 1940 for an order declaring the applicant to be primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities;

It is ordered, That a hearing on the aforesaid application be held on December 4, 1944, at 10:00 a. m. eastern war time, at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That William W. Swift, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17648; Filed, Nov. 17, 1944;
2:53 p. m.]

[File No. 1-1712]

PACIFIC FINANCE CORP. OF CALIFORNIA

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of November, A. D. 1944.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, \$10 Par Value, of Pacific Finance Corporation of California;

The Commission deeming it necessary for the protection of investors that a

hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, December 4, 1944, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17649; Filed, Nov. 17, 1944;
2:53 p. m.]

[File No. 70-976]

PUBLIC SERVICE CO. OF COLORADO

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of November, A. D. 1944.

Public Service Company of Colorado, a holding company exempt under Rule U-2 from all the provisions of the act except section 9 (a) (2), having filed an application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 proposing the purchase of 4000 shares (20%) of the common stock of The Home Gas and Electric Company from said company for a cash consideration of \$112,000; and

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

It is ordered, That said application of Public Service Company of Colorado is hereby granted subject however to compliance with the terms and conditions prescribed by Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17650; Filed, Nov. 17, 1944;
2:54 p. m.]

[File No. 70-945]

CONSOLIDATED ELECTRIC AND GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penn-

sylvania, on the 16th day of November, A. D. 1944.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (d) thereof and Rules U-42 and U-44 promulgated thereunder, whereby Consolidated seeks authorization for (1) the sale by it of all the capital stock of Hoosier Gas Corporation ("Hoosier"), consisting of 10,000 shares of common stock with a par value of \$50 per share, for a base cash consideration of \$290,000, to D. Gordon Rupe, Jr. and R. A. Ritchie of Dallas, Texas, each proposed purchaser acquiring a fifty per centum interest in the securities of Hoosier; and (2) the employment by Consolidated of the proceeds, to be received by it from said proposed sale, in the acquisition in the open market, through brokers, of Consolidated's Collateral Trust Bonds due August 1, 1957 and August 1, 1962 and the retirement of the bonds so acquired;

A public hearing having been held upon said declaration, as amended, after appropriate notice, and the Commission having considered the record and having made and filed its findings herein;

It is hereby ordered, That said declaration be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24 and to the following additional terms and conditions:

(1) That Consolidated shall not solicit or cause to be solicited from individual bondholders the sale of any bonds to the company;

(2) That no purchases shall be made directly or indirectly from persons or corporations in any way associated or affiliated with Consolidated; and

(3) That Consolidated shall furnish to the Commission promptly after the last day of each month, a schedule showing for each day covered by such report, the number of bonds purchased, the prices at which purchased, and the name of the broker through whom purchased or the name of the vendor in the event the security is not purchased through a broker;

Consolidated having requested that this order conform to the requirements of sections 373 (a), 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended;

It is further ordered and recited, That the transactions authorized and permitted by this order are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, said transactions being as follows:

(1) The sale by Consolidated Electric and Gas Company of the securities owned by the latter company of Hoosier Gas Corporation consisting of 10,000 shares of common stock, \$50 per share par value, for a base cash consideration of \$290,000, to D. Gordon Rupe, Jr. and R. A. Ritchie of Dallas, Texas; and

(2) The application by Consolidated Electric and Gas Company of the proceeds of the sale by it of said securities

of Hoosier Gas Corporation in the acquisition and retirement of certain bonds issued by Consolidated Electric and Gas Company known as Consolidated Electric and Gas Company Collateral Trust Bonds due August 1, 1957 and August 1, 1962.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17651; Filed, Nov. 17, 1944;
2:54 p. m.]

[File Nos. 54-74, 59-69]

NORTH CONTINENT UTILITIES CORP. AND SUBSIDIARY COMPANIES

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of November, A. D. 1944.

The Commission having on November 16, 1943 entered an order herein pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 directing that North Continent Utilities Corporation shall take such action as may be necessary to cause its liquidation and dissolution;

Notice is hereby given that on November 6, 1944 North Continent Utilities Corporation filed an application requesting the entry of an order by this Commission under section 11 (c) of the act extending for a period of one year the time within which to comply with the said order of November 16, 1943.

All interested persons are referred to said application which is on file in the office of the Commission for full details concerning the application.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said application;

It is ordered, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at 10:00 a. m., e. w. t., on the 1st day of December, 1944 in such room as may be designated on such day by the hearing room clerk.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in these proceedings shall file with the Secretary of this Commission on or before November 27, 1944 an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by

such application, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the applicants have exercised due diligence to comply with the Commission's Order of November 16, 1943;

(2) Whether an extension of time of six months or of any shorter period, for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers;

(3) Whether, in the event the application is granted, it is necessary to impose any terms or conditions to assure compliance with the standards of the act.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to North Continent Utilities Corporation and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17644; Filed, Nov. 17, 1944;
2:54 p. m.]

[File No. 70-996]

ASSOCIATED ELECTRIC CO. AND WEST VIRGINIA LIGHT, HEAT AND POWER CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of November 1944.

Notice is hereby given that a joint declaration-application has been filed under the Public Utility Holding Company Act of 1935 by Associated Electric Company (Aelec), a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, also a registered holding company, and West Virginia Light, Heat and Power Company (West Virginia), a subsidiary of Aelec. All interested persons are referred to said document, which is on file in the offices of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

West Virginia proposes to sell and convey to Monongahela West Penn Public Service Company (Monongahela) its electric production, transmission, and distribution system, including materials and supplies, for a base cash consideration of \$427,633.26, subject to certain adjustments. Aelec, the holder of all of the outstanding bonds of West Virginia, will consent to the discharge of the mortgages securing such bonds or to the release from the liens thereof of the property to be sold and conveyed.

Subsequent to the sale of said assets, it is proposed that West Virginia transfer its remaining assets, subject to its liabilities, to Aelec in payment pro tanto of matured bond interest. In connection

with such transfer, Aelee will acquire from West Virginia 160 shares of the capital stock of Atlantic Utility Service Corporation. Following the transfer of its remaining assets to Aelee, West Virginia will be dissolved or forfeit its charter.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said declaration-application shall not become effective or granted except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on December 5, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at which time the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such declaration-application shall become effective or be granted. Any person desiring to be heard in such proceeding shall file with the Secretary of the Commission, on or before November 30, 1944, his request herefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration-application, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed transactions are in the public interest and in the interest of investors and consumers;

2. Whether the consideration proposed to be received by West Virginia for the sale of its utility assets is fair and reasonable;

3. Whether the proposed acquisition by Aelee of shares of the capital stock of Atlantic Utility Service Corporation complies with the requirements of section 10 of the act;

4. The propriety of the accounting treatment to reflect the proposed transactions on the books of the declarants and applicants; and

5. Whether in all other respects the proposed transactions comply with all applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder.

It is further ordered, That notice of such hearing be given to the declarants and applicants and to all other interested persons; said notice to be given to declarants and applicants by registered mail and to all other persons by general release of this Commission, which shall be distributed to the press and mailed

to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17680; Filed, Nov. 18, 1944;
11:08 a. m.]

[File No. 70-992]

WASHINGTON RAILWAY AND ELECTRIC CO.
AND WASHINGTON AND ROCKVILLE RAIL-
WAY COMPANY OF MONTGOMERY COUNTY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of November 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Washington Railway and Electric Company (WR&ECo.), a registered holding company and a subsidiary of The North American Company, also a registered holding company, and by The Washington and Rockville Railway Company of Montgomery County (Rockville), a subsidiary of WR&ECo.

Notice is further given that any interested person may not later than December 1, 1944 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

(1) WR&ECo. proposes to provide for redemption of the \$6,858,000 principal amount of its presently outstanding Consolidated Mortgage Four Per Cent Fifty-Year Bonds, due December 1, 1951 (hereinafter sometimes called "Consolidated 4's"), and for the cancellation thereof, in accordance with a certain Redemption Agreement of October 30, 1944, entered into with Capital Transit Company (Capital Transit). Capital Transit will pay to WR&ECo. the sum of \$3,720,500, being the principal amount of the WR&ECo. Consolidated 4's which Capital Transit assumed and for which it is liable under the provisions of the Indemnity Agreement dated December 1, 1933, together with interest accrued and to accrue upon said principal amount of

such bonds to June 1, 1945, the next ensuing date upon which said bonds are subject to redemption.

(2) WR&ECo. and Rockville propose to provide for the retirement of the \$160,245.14 principal amount of presently outstanding First Mortgage Five Per Cent Fifty-Year Bonds, due November 1, 1965, of Rockville in accordance with the terms of the Redemption Agreement.

(3) WR&ECo. proposes to deliver to Capital Transit \$250,000 aggregate principal amount of First and Second Mortgage 6% Bonds of The Washington and Glen Echo Railroad Company, in accordance with the Redemption Agreement.

(4) WR&ECo. intends to make arrangements with one or more financial institutions under which it will, at a future date, be able to borrow against its unsecured notes an amount of \$3,500,000 for a period not exceeding 2 years, at an interest rate which will be supplied by amendment hereto. Such notes will be sold at private sale with the understanding that they are being acquired for investment and not with a view to any public distributions, and no fees, commission or other remuneration will be paid to any third person in connection therewith. (A copy of the borrowing arrangements will be supplied by amendment.) The proceeds from the sale of such notes together with the funds to be received from Capital Transit as set forth in (1) above and other treasury funds will provide sufficient cash for the proposed redemptions and retirements.

(5) Actual issuance of notes under the borrowing arrangements referred to in paragraph (4) above is to be subject to concurrent action by Capital Transit in providing for redemption of obligations of The Anacostia and Potomac River Railroad Company of Washington City, D. C. and of City and Suburban Railway of Washington; in paying WR&ECo. \$3,720,500 in cash and certain interest as provided by the Redemption Agreement; in making payments to WR&ECo. in accordance with the Redemption Agreement, of a portion of the interest charges which will be incurred on WR&ECo.'s proposed bank loan; and is further subject to the execution and delivery by WR&ECo. and Capital Transit, respectively, of releases from certain obligations existing between said companies.

(6) WR&ECo. intends to use any funds borrowed hereunder to provide a portion of a total sum in cash that is irrevocably to be deposited for the redemption of its Consolidated 4's.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17681; Filed, Nov. 18, 1944;
11:08 a. m.]

[File No. 70-838]

THE LAKE SHORE GAS CO. AND ASSOCIATED
ELECTRIC CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 15th day of November 1944.

Associated Electric Company ("Aelec"), a registered holding company, and its subsidiary, The Lake Shore Gas Company ("Lake Shore"), having filed an application-declaration, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, regarding the proposed sale of Aelec's entire interest in Lake Shore, the proposed acquisition by Aelec of certain assets of Lake Shore, and related matters; and

The Commission having, on September 15, 1944, after notice and hearing, filed its supplemental order granting and permitting the amended application-declaration to become effective and releasing the jurisdiction theretofore reserved (Holding Company Act Release No. 5293); and

The applicants-declarants having, on November 14, 1944, advised the Commission that the parties have been unable to consummate the transactions proposed in said application-declaration, as amended, within the time prescribed by the provisions of Rule U-24 (c) (1) of the rules and regulations under the act, and having requested that the time for such consummation be extended to and including January 15, 1945; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors to grant said request:

It is ordered, That the time for consummating said transactions be, and hereby is, extended to and including January 15, 1945.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17682; Filed, Nov. 18, 1944;
11:08 a. m.]

[File No. 70-982]

OGDEN CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of November A. D. 1944.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Ogden Corporation, a registered holding company.

All interested persons are referred to said declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Ogden Corporation proposes to pay out of surplus of September 30, 1944 a dividend on its Common Stock at the rate of 25¢ per share, payable on December 1, 1944 to holders of record at the close of business on November 22, 1944. The aggregate amount of this dividend will be \$850,918.65. At September 30, 1944, the Earned Surplus of Ogden Corporation was \$593,210.90, and its Capital Surplus was \$1,289,569.42. The proposed

dividend is to be charged to Earned Surplus to the extent thereof and, thereafter, to Capital Surplus.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter;

It is ordered, That a hearing on such matter under the applicable provisions of said act and the rules of the Commission promulgated thereunder be held on November 27, 1944, at 1:45 p. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before November 24, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That, without limiting the scope of the issues presented by such declaration, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed payment of the aforesaid dividend, which is to be charged, in part, to the Capital Surplus of Ogden Corporation, is appropriate in the public interest and the interest of investors;

2. Whether the action proposed to be taken complies with the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder;

3. What terms and conditions, if any, should be imposed in the public interest or for the protection of investors.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Ogden Corporation and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17683; Filed, Nov. 18, 1944;
11:08 a. m.]

[File No. 70-998]

ARKANSAS-MISSOURI POWER CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pa., on the 17th day of November, A. D. 1944.

Notice is hereby given that an application or declaration has been filed with this Commission under the Public Utility Holding Company Act of 1935 and particularly under sections 6 and 7 and Rule U-50 promulgated thereunder by Arkansas-Missouri Power Corporation ("Arkansas"), a registered holding company, subsidiary of John E. Dwyer, Trustee of the Estate of Inland Power and Light Corporation and The Middle West Corporation, also registered holding companies.

All interested persons are referred to said document which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Arkansas proposes to issue and sell, pursuant to the competitive bidding provisions of Rule U-50, \$2,000,000 principal amount of First Mortgage Bonds, Series A, 3½%, to be dated December 1, 1944 and to mature December 1, 1974. The proceeds of said sale together with funds from the treasury of Arkansas, to the extent required, are proposed to be applied by Arkansas to redeem \$2,350,000 principal amount of outstanding First Mortgage Bonds, Series A, 4%, due June 1, 1965. Arkansas desires that the 10-day period specified in Rule U-50, for the submission of bids, be reduced to a 6-day period.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application or declaration and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said application under the applicable provisions of the act and the rules of the Commission thereunder be held on December 4, 1944 at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locusts Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve by registered mail copies of this order on the Arkansas Department of Public Utilities, on the Missouri Public Service Commission and on the applicant-declarant herein; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or otherwise to participate herein, shall file with the Secretary of the Com-

mission, on or before December 1, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issue of mortgage bonds is reasonably adapted to the earning power and the security structure of Arkansas and is necessary and appropriate to the economical and efficient operation of the business or businesses in which Arkansas is presently engaged.

(2) Whether the fees, commissions, or other remunerations to be paid in connection with the issue, sale or distribution of said securities are reasonable.

(3) Whether State laws regarding the proposed issue of mortgage bonds have been complied with.

(4) Whether the terms and conditions of the issue of said securities are detrimental to the public interest or the interests of investors or consumers.

(5) Generally whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

(6) Whether in the event the application or declaration shall be granted or permitted to become effective, it is necessary to impose any terms or conditions to assure compliance with the standards of the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17684; Filed, Nov. 18, 1944;
11:09 a. m.]

[File No. 1-2710]

MUSKEGON PISTON RING CO.

ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of November A. D. 1944.

The Muskegon Piston Ring Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, \$2.50 Par Value, from listing and registration on the Detroit Stock Exchange;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 2:00 p. m. on Wednesday, December 6, 1944, at the office of the Securities and Exchange Commission, Room 1074 Federal Building, Detroit, Michigan, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Franklyn S. Judson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17728; Filed, Nov. 20, 1944;
9:49 a. m.]

[File No. 70-991]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of November 1944.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Central Vermont Public Service Corporation (Central Vermont), a public-utility subsidiary company of New England Public Service Company, a registered holding company and a subsidiary company of Northern New England Company, also a registered holding company.

All interested persons are referred to said application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Central Vermont proposes to purchase from Colonial Utilities Corporation, (Colonial), a holding company exempt from various provisions of the Public Utility Holding Company Act of 1935 by virtue of the provisions of Rule U-9 of the general rules and regulations promulgated under the act, all of the capital stock and a 10-year 4% Unsecured Note, due January 1, 1952, of Vermont Utilities, Inc. (Utilities), a public-utility subsidiary company of Colonial. The proposed transaction is a part of a general program under which, subsequent to the acquisition of the securities proposed to be acquired, Central Vermont, then owning all the voting securities of Utilities, intends to acquire the assets of Utilities.

The gross consideration proposed to be paid for the 14,000 shares, \$25 par value, of capital stock of Utilities, is \$462,000, or \$33 per share. The amount proposed to be paid for the note presently outstanding in the face amount of \$50,000 will be equal to the unpaid principal, plus accrued and unpaid interest thereon, at the time the proposed acquisition is consummated.

The purchase contract between Central Vermont and Colonial contains two conditions, namely: (1) unless all approvals, orders or decrees from the appropriate Federal and State regulatory bodies are obtained by July 1, 1945, either party has the right to withdraw from

the contract, with the additional proviso that unless said approvals, orders or decrees are obtained by December 31, 1944, Colonial has the option to withdraw from the proposed transaction; and (2) if the transaction is consummated after December 31, 1944, then the purchase price for the stock shall be increased by such proportion of \$15,000 as the period elapsed between December 31, 1944 and the date of transfer and delivery bears to the whole of the calendar year.

No fees or commissions are to be paid in connection with this transaction.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that the application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on this matter be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at 10:00 a. m., e. w. t., on the 6th day of December 1944 in such room as may be designated on such day by the hearing room clerk. At such hearing cause shall be shown why such application shall be granted except pursuant to further order of this Commission:

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided in Rule XVII of the Commission's rules of practice on or before December 4, 1944.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above-ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing copies thereof by registered mail to Central Vermont Public Service Corporation, Colonial Utilities Corporation, Vermont Utilities, Inc. and the Public Service Commission of Vermont, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of said application, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be paid by Central Vermont for the securities of Utilities is reasonable and bears a fair relationship to the sums invested in, or the earning capacity of Utilities.

2. Whether the acquisition of the securities of Utilities by Central Vermont will serve the public interest by tending towards an economical and efficient development of an integrated public utility system.

3. The propriety of the proposed accounting treatment of the transactions on the books of Central Vermont.

4. Whether Central Vermont, if it acquires the securities of Utilities, will be

predominantly a public-utility company whose operations as such will not extend beyond the State in which it is organized and States contiguous thereto within the meaning of Rule U-2 (a) (2).

5. Whether the Commission in approving the acquisition of the securities of Utilities by Central Vermont should condition its order requiring Central Vermont to dispose of its interest, direct or indirect, in the telephone properties, to be so acquired, within a specific time after the date of said order.

6. What further terms and conditions, if any, are necessary or appropriate in the public interest or the interest of investors and consumers to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations or orders promulgated thereunder.

7. Generally, whether the proposed transactions comply with the provisions of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder and are not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17729; Filed, Nov. 20, 1944;
9:49 a. m.]

[File No. 70-995]

THE MIDDLE WEST CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of November, A. D. 1944.

Notice is hereby given that a declaration has been filed with this Commission pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, and Rule U-46 promulgated thereunder, by The Middle West Corporation ("Middle West"), a registered holding company. All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Middle West proposes to pay on December 20, 1944 a dividend to stockholders of record at the close of business on November 24, 1944. Such dividend will be payable in cash out of existing capital or unearned surplus of the company at the rate of \$2 per share, aggregating an expenditure of approximately \$6,614,603.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said declaration shall not become effective except pursuant to order of the Commission;

It is ordered, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at 2:00 p. m., e. w. t. on the 4th day of December, 1944, in such room as may be designated on such day

by the hearing room clerk. At such hearing, cause shall be shown why such declaration shall become effective.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by the Commission's rules of practice, Rule XVII, on or before December 2, 1944.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to The Middle West Corporation and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of the issues presented by said declaration particular attention will be directed at the hearing to the following matters:

(1) Whether the proposed declaration of a \$2 cash dividend out of the capital surplus of Middle West is appropriate and in the public interest and the interest of investors;

(2) Whether the proposed action to be taken complies with the provisions of the Public Utility Holding Company Act and all rules and regulations promulgated thereunder.

(3) Whether the proposed dividend should be permitted to be paid in whole from capital surplus.

(4) Whether any terms or conditions are necessary to prevent the circumvention of the provisions of the act or the rules, regulations or orders thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17730; Filed, Nov. 20, 1944;
9:49 a. m.]

[File No. 59-23]

THE MIDDLE WEST CORP., ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of November, A. D. 1944.

In the Matter of The Middle West Corporation, North West Utilities Company, Wisconsin Power and Light Company; File No. 59-23.

The Commission having by its order dated September 10, 1943 entered pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directed that the North West Utilities Company be liquidated and its existence terminated; and

The Middle West Corporation and the North West Utilities Company having filed a joint application pursuant to section 11 (c) of said act requesting an ex-

tension of time within which to comply with said order of September 10, 1943; and

The Commission having found that said applicants have been unable in the exercise of due diligence to comply with said order within the initial statutory period of one year from the date of its entry, and that an extension of time is necessary and appropriate in the public interest and for the protection of investors; and that under the circumstances an extension should be granted for a period of six months;

It is hereby ordered, That said applicants be and they are hereby granted an additional period of six months dating from September 10, 1944 within which to comply with the said order of September 10, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17731; Filed, Nov. 20, 1944;
9:49 a. m.]

[File No. 70-986]

NEW ENGLAND PUBLIC SERVICE CO.

ORDER POSTPONING HEARING AND CHANGING DESIGNATION OF TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of November 1944.

The Commission having, by order dated November 10, 1944, designated November 28, 1944 as the date for hearing in the above entitled proceeding in regard to the proposed sale by Public Service Company of New Hampshire, a subsidiary of New England Public Service Company, a registered holding company, of such subsidiary's entire gas business to James A. Peirce and/or his nominees for a consideration of \$350,000 in cash; and

New England Public Service Company having requested a change in hearing date so that such hearing may be conducted immediately before or immediately following certain other hearings involving New England Public Service Company, and the Commission deeming it appropriate under the circumstances that the hearing be postponed; and

It appearing to the Commission that Richard Townsend, who was designated as a trial examiner to preside at the hearing previously scheduled for November 28, 1944, will not be available to conduct the said hearing on the postponed date to be set hereinbelow:

It is ordered, That the hearing in this matter previously scheduled for November 28, 1944 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa., be, and hereby is, postponed to December 5, 1944 at the same hour and place. Notice is hereby given of said postponement to the New England Public Service Company and to all interested parties, said notice to be given to said company by mailing a copy hereof by registered mail and to the

other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Charles S. Lobingier be, and is hereby, designated as the officer of the Commission to preside at the hearing herein instead of Richard Townsend.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17732; Filed, Nov. 26, 1944;
9:50 a. m.]

[File Nos. 54-39, 54-69, 59-65]

THE LACLEDE GAS LIGHT CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of November A. D. 1944.

In the Matters of The Laclede Gas Light Company, Laclede Power & Light Company, Phoenix Light, Heat and Power Company, Ogden Corporation, File No. 54-39; Ogden Corporation and Subsidiary Companies, File No. 54-69; Ogden Corporation and Subsidiary Companies, Respondents, File No. 59-65.

Notice is hereby given that The Laclede Gas Light Company ("Laclede Gas"), Laclede Power & Light Company ("Laclede Electric"), Phoenix Light, Heat and Power Company ("Phoenix"), subsidiaries of Ogden Corporation ("Ogden"), a registered holding company, and Ogden have filed with this Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, an amendment to their Amended Plan (File No. 54-39) with respect to the proposed deposit in escrow by Laclede Gas of a sum sufficient to pay the redemption premiums, together with interest thereon, on Laclede Gas' First Mortgage Collateral and Refunding 5½% Bonds, Series C and D, due respectively in 1953 and 1960 (The "1919 Bonds"), pending final judicial determination as to whether such premiums should be paid.

By order dated May 27, 1944, this Commission approved under section 11 (e) of the act the said amended plan for the recapitalization of Laclede Gas. The plan provided, among other things, that Laclede Gas' indebtedness be substantially reduced, its preferred dividend arrears be eliminated, and that its outstanding preferred and common stocks be converted into a single class of common stock. The plan also provided that the outstanding 1919 Bonds of Laclede Gas be discharged by the payment in cash of the principal amount thereof together with interest thereon accrued to the effective date of the plan, but without payment of any redemption premiums thereon. The Trustee under the mortgage securing the 1919 Bonds, and certain holders of the 1919 Bonds, appeared before this Commission and before the District Court of the United States for the Eastern District of Missouri, and objected to such portion of the Amended Plan as provided for the payment of principal and interest on the

1919 Bonds but without payment of redemption premiums thereon. The plan was approved by the said District Court, and the said objectors indicated their intention to appeal from the Court's approval of said portion of the plan. The purpose of the amendment now filed with the Commission is to permit the carrying out of the provisions of the plan without prejudice to the holders of the 1919 Bonds with respect to the payment of premiums thereon in the event that final judicial determination of that question be to the effect that such premiums shall be paid.

All interested persons are referred to the said amendment, which is on file at the office of the Commission, for a full statement of the transactions therein proposed, which are summarized as follows:

(a) Laclede Gas will, on the effective date of the amended plan deposit in escrow with St. Louis Union Trust Company, the Trustee under the mortgage securing the 1919 Bonds, a sum of cash (herein called "escrowed funds") sufficient to cover (i) the aggregate amount of the premiums that would be payable under the terms of the said mortgage in the event that the 1919 Bonds were redeemed pursuant to the terms of such mortgage on the effective date of the amended plan; (ii) interest at the rate of 5½% per annum on said amount mentioned in (i) above, for a period of three years, and (iii) an amount sufficient to defray the reasonable fees and expenses of the St. Louis Union Trust Company in connection with the said escrowed funds;

(b) In the event that a final judicial determination shall hold that the premiums on the 1919 Bonds shall be paid, then such premiums shall be paid to the persons who shall have theretofore surrendered their 1919 Bonds for payment of principal and interest, or to holders of 1919 Bonds not then surrendered, together with interest on the amount of such premiums at the rate of 5½% per annum from the effective date of the amended plan to the date when funds become available for payment of the premiums;

(c) Interest on the principal of the 1919 Bonds will be paid only up to the effective date of the amended plan regardless of whether or not a final judicial determination shall hold in effect that the premiums are payable;

(d) No holder of the 1919 Bonds who on or after the effective date of the amended plan accepts payment of the principal and interest on his bonds shall waive his right to be paid the premium and interest thereon in the event that a final judicial determination in effect requires the payment of such premiums on the 1919 Bonds;

(e) If such judicial determination shall hold that such premiums are not payable then the said escrowed funds, less reasonable expenses and fees of the St. Louis Union Trust Company, shall be paid to Laclede Gas. An escrow agreement not inconsistent with the said amendment filed herein will be entered into between Laclede Gas and St. Louis Union Trust Company.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that the application with respect thereto shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters under the applicable provisions of said act and rules of the Commission thereunder be held on November 27, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date, the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(a) Whether the terms and provisions of the said amendment are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby;

(b) Whether the terms and provisions of the said amendment are in all respects in the public interest and in the interest of investors and consumers and consistent with all the applicable requirements of the act and the rules thereunder.

Notice is hereby given of the said hearing to the above-named applicants and respondents, and to all interested persons; said notice to be given to said applicants and respondents by registered mail, and to all other persons by publication of this notice and order for hearing in the FEDERAL REGISTER. It is requested that any person desiring to be heard in this proceeding shall file with the secretary of this Commission on or before 10:00 a. m., e. w. t., on November 27, 1944, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Laclede Gas shall give additional notice of said hearing to all known holders of its outstanding First Mortgage Collateral and Refunding 5½% Bonds, Series C and D, to St. Louis Union Trust Company, Trustee, and to all holders of record of its 5% Cumulative Preferred Stock and Common Stock, by causing a notice substantially in the form of Exhibit No. 40 attached to the said Amendment filed herein to be mailed to such holders at their respective last-known addresses.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-17733; Filed, Nov. 20, 1944;
9:50 a. m.]

WAR FOOD ADMINISTRATION.

[P. & S. Docket No. 1684]

MCKINLEY-WINTER LIVESTOCK
COMMISSION

ORDER OF INQUIRY AND NOTICE OF HEARING

This proceeding is instituted pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181 et seq.), hereinafter referred to as the act, and the following allegations are made:

1. T. R. McKinley, K. M. Winter, and Hugh W. Ford (hereinafter referred to as respondents) are partners engaged in the business of operating a stockyard at La Junta, Colorado, known as the McKinley-Winter Livestock Commission Company, which has been found by the Secretary of Agriculture to be a "stockyard" within the meaning of that term as it is defined in the act, and notice of such finding has been given to the owner and to the public, as required by the act.

2. The respondents are partners doing business as McKinley-Winter Livestock Commission Company and are registered under the act as a market agency. The respondents, as such market agency, are engaged in the business of furnishing stockyard services, in commerce, within the meaning of that term as it is defined in the act, at the stockyards known as the McKinley-Winter Livestock Commission Company, located at La Junta, Colorado.

3. Pursuant to the provisions of the act, the respondents have heretofore filed and put into effect schedules of rates and charges for facilities furnished and services rendered by them as owners of the stockyard and operators of the market agency referred to above.

4. Upon the basis of information in the possession of the War Food Administration, there is reason to believe that the tariff schedules of respondents now in effect contain rates and charges which are unreasonable and otherwise unlawful.

It is concluded that a proceeding should be instituted, under the provisions of the act, for the purpose of determining the reasonableness and lawfulness of all rates and charges of the respondents and of any rule, regulation or practice affecting said rates and charges, and whether any stockyard service is rendered by the respondents without making a lawful charge therefor.

It is, therefore, ordered, That notice to the respondents shall be and it is hereby given that an oral hearing covering the matters and things alleged herein shall be held before an examiner at a time and place of which the respondents shall have at least ten days' notice. At such hearing the respondents and all other interested persons shall have a right to appear and to present such evidence with respect to the matters and things alleged as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, Office of

the Solicitor, Department of Agriculture, Washington 25, D. C., within twenty days from the date of the publication of this order.

It is further ordered, That a copy hereof shall be served upon the respondents by registered mail, and that this order shall be filed in the office of the Director of the Division of the Federal Register.

Done at Washington, D. C., this 18th day of November 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-17721; Filed, Nov. 18, 1944;
8:15 p. m.]

[P. & S. Docket No. 1684]

MCKINLEY-WINTER LIVESTOCK COMMISSION CO.

NOTICE OF HEARING

In re: T. R. McKinley, K. M. Winter and Hugh W. Ford, partners, doing business as McKinley-Winter Livestock Commission Company, La Junta, Colorado, respondents.

Notice is hereby given that this case, arising under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181 et seq.), has been set down for oral hearing before an examiner for the War Food Administration, in accordance with the rules of practice governing proceedings under the act, beginning at 10:00 A. M., c. w. t., on December 11, 1944, in the District Court Room, Ford County Courthouse, Dodge City, Kansas. At that time and place all interested parties will have an opportunity to appear and present such evidence as may be relevant and material. Such hearing may be continued to other times and places at the discretion of the examiner.

Dated: November 18, 1944.

T. V. GRIFFITH,
Examiner.

[F. R. Doc. 44-17744; Filed, Nov. 20, 1944;
11:02 a. m.]

WAR MANPOWER COMMISSION.

CINCINNATI, OHIO, AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Cincinnati, Ohio, Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs" effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Procedure governing hiring and transfer of workers.
4. Content of statements of availability.
5. General referral policies.
6. Exclusions.
7. Control of in-migration.
8. Non-compliance.
9. Appeals.
10. Less essential activities.

Sec.

11. Advertisements for workers.
12. Existing contracts.
13. Amendments.
14. Effective date.

SECTION 1. Purpose. In order to promote the orderly transfer and movement of workers, prevent piracy, reduce turnover and absenteeism, encourage upgrading, and in general to insure the most efficient utilization of the Cincinnati Area's manpower for the effective prosecution of the war and the preservation of a necessary civilian economy, the Cincinnati Area Director and the Cincinnati Area War Manpower Committee, with the approval of the Regional Director of the War Manpower Commission, do hereby make the following plan effective in the Cincinnati Area.

Sec. 2. Definitions. (a) "The Cincinnati Area," for the purpose of this plan, shall consist of Hamilton and Clermont Counties in Ohio, and Kenton, Campbell, and Boone Counties in Kentucky, and the provisions herein apply to employers and employees in that Area.

(b) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(c) An "essential activity" means any activity included in the War Manpower Commission "List of Essential Activities" (9 F.R. 3439).

(d) An "essential worker" is any worker who has been employed in an essential or "locally-needed" activity within the preceding 60-day period.

(e) "Male worker" means any male employee 17 years of age, or older.

(f) "In-migrant worker" means any worker who has not, during the last thirty days, been employed in or lived in the area in which he is seeking employment.

(g) "Local shortage occupation" means an occupation in which the demand for workers in any given area exceeds the supply in that area.

(h) A "locally-needed activity" means any activity approved by the War Manpower Commission as a "locally-needed" activity.

(i) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(j) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(k) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(1) "A statement of availability" is a written statement given an "essential worker" by his employer or by the U. S. Employment Service of the War Manpower Commission, evidencing that such worker is available for other employment in an essential or locally needed activity.

(m) A "statement of inter-area clearance" means a statement issued by a local office of the U. S. Employment Service to an out-migrant worker, indicating that his services are not needed in the area and that, upon advice by the U. S. Employment Service, he has agreed not to use this clearance in any area where in-migration is restricted.

SEC. 3. Procedure governing hiring and transfer of workers. (a) All hiring and solicitation of workers in or for work in the area shall be conducted in accordance with this plan.

(b) The decision to refer or hire a worker shall be based on qualifications essential for performance of or suitability for the job and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(c) No employer shall hire, contract to hire, or solicit, directly or indirectly, for the purpose of hiring an essential worker, unless:

(1) Such individual is hired for work in an essential or locally-needed establishment or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally-needed establishment; and/or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(d) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the U. S. Employment Service when:

(1) The new employee is a male 17 years of age, or older.

(2) The new employee is to be hired for work in a critical occupation or his statement of availability indicates that his last employment was in a critical occupation.

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work; *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration; *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(e) Subject to standards prescribed by the Regional Director, employers or other hiring or referral agencies may be granted authority by the Area Director of the War Manpower Commission to hire or to refer

workers subject to referral by the U. S. Employment Service without such referral, but solely upon presentation of a statement of availability.

(f) Upon hiring a new employee, the employer shall retain and file the statement of availability or a copy of the U. S. Employment Service referral card if either is required by the provisions of this plan. Such files shall be open to inspection by the War Manpower Commission.

(g) A statement of availability shall be issued for the following reasons to any worker by his last employer or by the U. S. Employment Service of the War Manpower Commission whenever:

(1) The worker is discharged (within the meaning of § 907.4 (b) 1 of Reg. 7. (ROB 133), or his employment has been otherwise terminated, by his last employer, or

(2) The worker is laid off for an indefinite period or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) In the case of an individual who is a first-time employee, without previous industrial experience, and who finds his job in essential industry unsuitable and has so notified his employer, the U. S. Employment Service shall grant a statement of availability to such individual on the grounds of undue personal hardship; provided application for such statement is made within 15 calendar days from date of hire in such essential industrial establishment or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal Law or regulations, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(h) If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the U. S. Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(i) In accordance with regulations issued pursuant to Presidential Executive Order No. 9328, no statement of availability shall be issued solely on the grounds that an individual's wage or salary rate is substantially less than that prevailing in the locality for the same or substantially similar work.

(j) Any worker who obtains a statement of availability may use it only to change to another essential or locally-needed activity, and such worker shall be hired only by an employer in an essential or locally-needed activity; *Provided, however*, That the U. S. Employment Service of the War Manpower Commission may refer a worker to an

employer in other than an essential or locally-needed activity if such referral would be in the best interest of the war effort or necessary to the maintenance of a minimum civilian economy.

(k) When a worker has voluntarily left his most recent employment under conditions which do not constitute valid reason for transfer as provided in article (2) section (g) of this plan, the following interpretation shall govern his status:

(1) If the worker offers in good faith to return to his last employment and if the employer refuses to offer him suitable employment, he shall be given a statement of availability and an effort shall be made to refer the worker to an appropriate job opening.

(2) If the worker refuses or fails to return to his last employment in good faith, he shall not be entitled to an unlimited statement of availability until 60 days have expired.

(3) At any time within the waiting period provided for in item (2) of this section, the U. S. Employment Service may refer such worker to other employment if such referral will be in the best interests of the war effort.

(l) To facilitate the employment of individuals during vacation, probationary, off-season, or other short periods, and their subsequent return to their regular employments, the U. S. Employment Service of the War Manpower Commission may, upon request by any such individual, issue to him a statement of availability limited as to time or length of use.

(m) Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member, or any other representative freely chosen by him, at any step in the operation of this plan.

(n) When local shortages of workers in particular occupations or categories of occupations threaten critically-needed war production, the Area Director may direct employers to refer workers of this type, leaving their present employment, to the U. S. Employment Service and may require that such workers thereafter be hired only upon referral by or in accordance with arrangement with the U. S. Employment Service.

SEC. 4. Content of statements of availability. (a) A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission;

SEC. 5. General referral policies. (a) No provision in this plan shall limit the authority of the U. S. Employment Serv-

ice to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

(b) The Area Directors may, in accordance with standards prescribed by the Regional Director, designate certain job orders or openings for priority service by the U. S. Employment Service, in terms of the importance of filling such openings to the war effort.

(c) Individual workers subject to referral by the U. S. Employment Service shall enjoy a free choice among suitable job openings in essential activities; *Provided, however,* That wherever in the judgment of the Area Director, failure to fill priority openings is interfering with the war effort, the worker's freedom of choice may be limited to suitable openings on the priority list.

(1) In determining the suitability of a particular job opening for a worker, local U. S. Employment Service offices shall consider the following factors:

- (i) The degree of risk involved to his health, safety, and morals.
- (ii) His physical fitness.
- (iii) His job training.
- (iv) His previous experience.
- (v) The length and recency of his experience and training.

(vi) The demand for his experience and training in the war effort.

(vii) His usual earnings.

(viii) The distance of the prospective employment from his residence (considering transportation facilities), or the availability of suitable housing at or near the place of prospective employment.

(2) No individual shall be required to accept referral to a position if:

- (i) The position offered is vacant due directly to a strike, lock-out, or other labor dispute unless such referral is specifically authorized by the Regional Director as required for the successful prosecution of the war;
- (ii) As a condition of being employed, the individual would be required to join or to refrain from joining any labor organization;
- (iii) The remuneration, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

Sec. 6. *Exclusions.* No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work, but such work shall not constitute the individual's "last employment" for the purpose of this plan, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring by a foreign, state or county government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, state, or county government, or political subdivision or agency or instrumentality

had indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

NOTE: City of Cincinnati employees are included in the coverage of the plan as requested by the City Mgr.

(d) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(e) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period;

(f) The hiring of a veteran of World War II within the first 60 days following his initial civilian employment subsequent to discharge.

Sec. 7. *Control of in-migration.* (a) Local workers are to be used to the fullest possible extent and the employment of workers from outside the Cincinnati Area is to be kept at an absolute minimum, under the control of the Area War Manpower Committee. Any worker whose most recent employment has been in the Cincinnati Area and any worker who has not been employed but has resided in the Cincinnati Area throughout the preceding 60-day period, shall apply to the U. S. Employment Service for a memorandum of inter-area clearance if he wishes to seek employment in an area within Region V of the War Manpower Commission, in which he has not worked or lived throughout the preceding 30-day period. Such inter-area clearance shall be granted to the worker if:

(1) He is entitled to, or is not required to obtain, a statement of availability; and

(2) He is not qualified for employment (at his highest skill of value to the war effort) in a local shortage occupation, or his reasons for wishing to seek employment elsewhere are such as to take precedence over the local need for his services; and

(3) He agrees not to seek work in an area into which migration has been limited by action of a State Director of the War Manpower Commission.

(b) An applicant for employment who has not lived or worked in the Cincinnati Area throughout the preceding 30-day period shall be referred to employment in the Cincinnati Area only if he presents a statement of availability issued by his last employer or by the local office of the U. S. Employment Service serving the locality in which he was last employed, or he presents evidence that he is not required to obtain such statement; *Provided,* That if such applicant was last employed in a locality within Region V, he shall be referred to employment in the Cincinnati Area only if he presents a memorandum of inter-area clearance or such similar document as may be provided for in the applicable agreement.

Sec. 8. *Non-compliance.* (a) A statement of availability shall be issued by the U. S. Employment Service to any individual in the employ of an employer who the War Manpower Commission

finds, after notice, hearing, and final decision, has not complied with any War Manpower Commission employment stabilization program, regulation, or policy, and for so long as such employer continues his non-compliance after such finding.

(b) Any employer shall, upon request of the U. S. Employment Service of the War Manpower Commission, release from employment any worker hired contrary to the provisions of this plan. Such releases and retransfer of workers shall be permitted in such manner as justice to the worker, the employer, and the best interest of the war effort demand. Appeals from such decisions may be made in the manner as described in section 9 below.

Sec. 9. *Appeals.* (a) Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under the employment stabilization plan, in accordance with regulations and procedures of the War Manpower Commission.

(b) All appeals will be handled on the grounds and in accordance with the procedures specified in Regulation No. 5 of the War Manpower Commission.

Sec. 10. *Less-essential activities.* (a) Any female worker, or male worker under 17 years of age, engaged in an activity not listed as essential or locally needed, requires no statement of availability from his employer to transfer to an essential activity. Due regard shall be given by the U. S. Employment Service of the War Manpower Commission and by the Cincinnati Area Director and the Area War Manpower Committee to the necessity of preserving a necessary civilian economy.

Sec. 11. *Advertisements for workers.* (a) No employer shall advertise or otherwise solicit for hire any individual if such hiring would be subject to restrictions under this plan except in a manner consistent with the applicable restrictions.

Sec. 12. *Existing contracts.* (a) As far as possible, nothing in this plan shall be construed to prejudice existing rights of an employee under an agreement with his employer.

Sec. 13. *Amendments.* (a) This plan may be altered or amended in the same manner as provided in its original adoption.

Sec. 14. *Effective date.* (a) This plan shall take effect July 1, 1944, and shall terminate upon agreement of the Area Committee, not later than six months after the termination of the war.

Dated: July 1, 1944.

JOHN W. BAKER,
Area Director.

Approved: July 10, 1944.

ROBERT C. GOODWIN,
Regional Director.

[F. R. Doc. 44-17643; Filed, Nov. 17, 1944;
2:41 p. m.]

KENTUCKY, MICHIGAN AND OHIO
EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Region V is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs" effective August 16, 1943 (8 F.R. 11338),

Sec.

1. Purpose.
2. Application of plan.
3. Definitions.
4. Hiring regulations.
5. Referral in case of under-utilization.
6. Control of inter-area migration.
7. Content of statements of availability.
8. Solicitation of workers.
9. Manpower budget program.
10. General referral policy.
11. Exclusions.
12. Appeals.
13. Representation.
14. Effective date.

SECTION 1. Purpose. In order to promote the most effective mobilization and utilization of the manpower of Region V of the War Manpower Commission, to eliminate so far as possible waste of manpower due to disruptive recruitment and undue migration of workers, and to direct the flow of workers to the jobs in the war effort for which they are most urgently needed, this employment stabilization plan for Region V is hereby established by the Regional War Manpower Director after consultation with the Regional War Manpower Committee.

SEC. 2. Application of plan. This plan shall be applicable everywhere within the Fifth Region of the War Manpower Commission, except the provisions of section 9 which shall apply only to areas classified by the War Manpower Commission in Group I or Group II; *Provided, however,* That local area directors of the War Manpower Commission may, after consultation with local labor-management committees, include in local stabilization plans, additional provisions consistent with Regulation No. 7 of the War Manpower Commission, if such amendments are approved by the Regional Director.

Sec. 3. Definitions. As used in this plan:

(a) The "Fifth Region" of the War Manpower Commission is comprised of the States of Kentucky, Michigan and Ohio.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration

and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower List of Essential Activities. (9 F.R. 3439).

(f) "Locally needed establishment" means any establishment designated as such by an Area War Manpower Director in accordance with standards prescribed by the Regional War Manpower Director.

(g) "In-migrant worker" means any worker who has not, during the last thirty days, been employed in or lived in the area in which he is seeking employment.

(h) The terms "employment" and "work" as applied to an individual engaged in both principal and supplementary employment mean his principal employment.

(i) "Ceiling program" means a system whereby employment levels of all covered employers are limited with respect to total employment or types of workers, and whereby the rate of hiring employees is restricted, to conform to adequacy of labor supply and relative urgency of product or service.

(j) "Male worker" means any male employee 17 years of age or older.

(k) "Local shortage occupation" means an occupation in which the demand for workers in any given area exceeds the supply in that area.

(l) "Priorities committee" is a group of representatives of Procurement Services and other manpower claimant agencies who advise area directors with respect to priority service and ceiling adjustment.

SEC. 4. Hiring regulations. All hiring and solicitation of workers in, or for work in establishments located in Region V shall be conducted in accordance with the provisions of this plan.

The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(a) *Requirement of statement of availability.* A new employee, who during the preceding 60-day period, was engaged in an essential or locally needed establishment, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed establishment or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed establishment; and/or is referred by the USES of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual

whose last employment is or was in an essential or locally needed establishment shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance in his employment would involve undue personal hardship:

(i) In the case of an individual who is a first-time employee, without previous industrial experience, and who finds his job in essential industry unsuitable and has so notified his employer, the USES shall grant a statement of availability to such individual on the grounds of undue personal hardship, provided application for such statement is made within fifteen calendar days from date of hire in such essential industrial establishment.

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof), as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 4 (b) is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice and opportunity to be heard, has not complied with any War Manpower Commission employment stabilization plan, regulation, or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Workers who may be hired only upon referral by the United States Employment Service.* Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service:

(1) The new employee is a male 17 years of age or older.

(2) The new employee is to be hired for work in a critical occupation, or in a local shortage occupation, or his statement of availability indicates that his last employment was in a critical or local shortage occupation.

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided further that such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

(e) *Hiring with consent of USES.* (1) Subject to minimum standards prescribed by the Regional Director of the War Manpower Commission, after consultation with the Regional Labor-Management Committee, employers or other hiring or referral agencies may be granted authority by an Area Director of the WMC to hire or to refer workers subject to referral by the USES without such referral, but solely on presentation of a statement of availability.

(2) Consent is hereby given for all employers of eight or less employees whose places of business are located in areas not covered by local stabilization plans to hire workers subject to referral under section 4 (d) above, solely upon presentation of a statement of availability: *Provided, however,* That no employer engaged in a less essential activity may hire any worker who, within the preceding 60-day period, was employed in an essential activity except upon referral by the USES.

SEC. 5. *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 6. *Control of inter-area migration—(a) Out-migration.* Any resident of Region V wishing to seek employment in a labor market area within Region V in which he has not worked or lived during the preceding 30-day period shall apply to the United States Employment Service nearest his present home or place of employment for a statement of Inter-Area Clearance. Subject to such additional standards as the Regional Director may prescribe, such inter-area clearance shall be granted if:

(1) He is entitled to, or is not required to obtain, a statement of availability; and

(2) His reasons for wishing to seek employment elsewhere are such as to take precedence over the local need for his services; and

(3) He agrees not to seek work in any area into which migration has been limited by action of a State Director of the War Manpower Commission.

(b) *In-migration.* Subject to such additional limitations as the Regional Director may prescribe, an in-migrant worker may be employed only if:

(1) He has been granted a statement of interarea clearance or equivalent by the United States Employment Service in the area of his last residence or employment: *Provided,* That if the in-migrant worker's last place of residence was outside Region V, he may be employed if he presents a statement of availability or evidence that he is not required to obtain one; or

(2) He has been recruited through the clearance system of the USES.

(c) *Limitation of migration.* Whenever, in the judgment of a State Director within Region V, the volume of migration into any labor market area becomes so great as to threaten the safety and welfare of the community or results in failure to use local sources of labor or in the failure to supply the labor needs of more critical areas, he may proclaim a limit upon migration into such area. Thereafter, applicants for employment who have not worked or lived in such area throughout the 30 days preceding application shall be referred to employment only in accordance with the standards prescribed by the State Director.

SEC. 7. *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

SEC. 8. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

SEC. 9. *Manpower budget program.* (a) In addition to the above restrictions on hiring, no male worker may be hired for employment in any establishment located in a labor market area classified in Group I or Group II, unless specific authorization to do so has been granted by the Area Director of the War Manpower Commission, in accordance with standards prescribed by the Regional Director.

(b) Authorization to hire specified numbers of male workers referred by the U. S. E. S. shall be granted to any employer covered by an approved ceiling (Manpower budget) program when:

(1) Such employer has been classified by the Area Manpower Priorities Committee as one whose necessary war production commitments or essential service to the civilian economy require either an expansion of his current male labor force (Class A) or the provision of replacements to maintain his present male labor force at its current level (Class B); and

(2) Such employer has agreed to provide the USES with employment information required for the operation of this program.

(c) Authorization to hire a key male worker, without whose services the operations of an establishment necessary to the civilian economy would be impaired, may be granted to an employer without regard to his classification by the Priorities Committee.

SEC. 10. *General referral policy.* (a) No provision in this plan shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

(b) Subject to standards prescribed by the Regional Director and after consultation with Area Manpower Priorities Committees, Area Directors may designate certain job orders or openings for priority service by the USES, in terms of the importance of filling such openings to the war effort.

(c) So far as may be consistent with the requirements of the war effort, and subject to standards prescribed by the Regional Director after consultation with the Regional Labor-Management Committee, individual workers subject to referral by the USES shall enjoy a free choice among suitable job openings in essential activities; *Provided, however,* That wherever in the judgment of the Area Director, after consultation with the Area Manpower Priorities Committee, failure to fill priority openings is interfering with the war effort, the worker's freedom of choice may be limited to suitable openings on the priority list.

(1) In determining the suitability of a particular job opening for a worker, local USES offices shall consider the following factors:

- (i) The degree of risk involved in his health, safety, and morals
- (ii) His physical fitness
- (iii) His job training
- (iv) His previous experience
- (v) The length and recency of his experience and training
- (vi) The demand for his experience and training in the war effort
- (vii) His usual earnings
- (viii) The distance of the prospective employment from his residence (considering transportation facilities), or the availability of suitable housing at or near the place of prospective employment.

(2) No individual shall be required to accept referral to a position if:

(i) The position offered is vacant due directly to a strike, lockout, or other labor dispute unless such referral is specifically authorized by the Regional Director as required for the successful prosecution of the war;

(ii) As a condition of being employed, the individual would be required to join or to refrain from joining any labor organization;

(iii) The remuneration, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

Sec. 11. *Exclusions.* (a) No provision of this plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment.

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the plan, unless the employee is customarily engaged in work of less than seven days' duration.

(3) The hiring by a foreign, state, county, or municipal government, or their political subdivision or their agencies, and instrumentalities, or to the hiring of their employees, unless such foreign, state, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan.

(4) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(5) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(6) The hiring of a veteran of World War II within the first 60 days following his initial civilian employment subsequent to discharge.

Sec. 12. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan, in accordance with regulations and procedures of the War Manpower Commission. Such appeal shall be taken in all instances to the Area Labor-Management Committee or, where such exist, to the Area Appeals Panel.

Sec. 13. *Representation.* Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member, or any other representative freely chosen by him, at any step in the operation of the plan.

Sec. 14. *Effective date.* This plan shall become effective in any area in Region V upon proclamation by the Regional Director, and in no event later than July 1, 1944.

Dated: June 17, 1944.

ROBERT C. GOODWIN,
Regional Director.

[F. R. Doc. 44-17642; Filed, Nov. 17, 1944;
2:41 p. m.]

DAYTON, OHIO, AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Dayton, Ohio, Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment

Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Responsibilities of the Area War Manpower Committee.
4. Responsibilities of employers.
5. Restriction on solicitation and hiring of workers.
6. Hiring with consent of USES.
7. Hiring regulations.
8. Procedure for issuance of statements of availability and referral to new employment.
9. Contents of statements of availability.
10. Control of inter-area migration.
11. Authorized action to secure compliance.
12. Seniority and re-employment rights.
13. Appeals.
14. Representation.
15. General referral policies.
16. Effective date.
17. Amendments.

SECTION 1. *Purpose.* The following plan is adopted and promulgated by the War Manpower Committee and the Area Director of the War Manpower Commission for the Dayton, Ohio, Area with the approval of the Regional Director of the War Manpower Commission and in conformity with War Manpower Commission Regulation No. 7.

The purpose of this plan is to aid in the effective prosecution of the war by providing measures equitable to labor and management which will:

(a) Entourage and assist employers in their efforts to eliminate wasteful labor turnover.

(b) Reduce unnecessary migration of labor.

(c) Allocate scarce labor to the most urgent needs of the war effort.

(d) Obtain maximum utilization of manpower resources.

Sec. 2. *Definitions.* As used in this employment stabilization plan:

(a) The Dayton area is the area comprised of Montgomery, Preble and Greene Counties.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Male worker" means any male employee 17 years of age or older.

(e) "In-migrant worker" means any worker who has not, during the last thirty days, been employed in or lived in

the area in which he is seeking employment.

(f) "Essential activity" means any activity included in the War Manpower Commission list of essential activities or any activity approved by the Regional Manpower Director as a locally needed activity. (9 F.R. 3439)

(g) "Locally needed activity" means any activity that has been determined as essential for the purpose of protecting a basic minimum of health, welfare and safety in the community.

(h) The terms "employment" and "work" applied to an individual engaged in principal and supplementary employment mean his principal employment.

(i) "Critical occupation" means any occupation, designed as a critical occupation by the Chairman of the War Manpower Commission.

(j) "Reserved occupation" means an occupation designated by the Area Director as especially suitable for the employment of women and handicapped persons. The Area Director shall establish and revise a list of such occupations after consultation with the Area Committee.

(k) "Ceiling program" means a system whereby employment levels of all covered employers are limited with respect to total male workers, and whereby the rate of hiring male employees is restricted, to conform to adequacy of male labor supply and relative urgency of product or service.

(l) "Priorities committee" is a group of representatives of Procurement Services and other manpower claimant agencies who advise area directors with respect to priority service and ceiling adjustment.

Sec. 3. *Responsibilities of the Area War Manpower Committee.* The Management-Labor War Manpower Committee shall have the following responsibilities and duties.

(a) To consider questions of policy, standards, and safeguards in connection with the administration of the plan and other War Manpower Commission policies, and to make recommendations to the Area Manpower Director.

(b) To hear and decide appeals arising under this plan or other policies of the War Manpower Commission, or to provide for the hearing and deciding of such appeals by appeals panels, in accordance with War Manpower Commission Regulation No. 5.

(c) To assist the Area Director in securing compliance of their constituents with this plan and other policies of the War Manpower Commission.

Sec. 4. *Responsibilities of employers.* Employers in the Dayton area shall:

(a) Hire or solicit workers in, or for work in, the Dayton area only in accordance with all the provisions of this plan.

(b) Take all steps necessary to the maximum utilization of manpower resources; and to this end each employer shall co-operate with the War Manpower Commission in effecting better utilization where necessary, and hire or refrain from hiring any individual solely on the basis of essential qualifications and suitability

for performance of the job and without discrimination as to race, color, creed, national origin, or (except as required by law) citizenship.

(c) Take all steps necessary to eliminate unnecessary employment turnover including:

(1) Provision for interviewing workers desiring to leave their employ and making reasonable adjustments, where possible, to retain such workers.

(2) Granting of statements of availability only to those workers who have demonstrated that they are entitled thereto under section 7 of this plan.

(3) Retention of those workers to whom they deny statements of availability and who request review by the USES while permitting such workers to absent themselves from work as may be necessary to pursue such requests; and retention of workers who have been denied statements of availability by the USES.

SEC. 5. Restriction on solicitation and hiring of workers—(a) *Workers who may be hired only upon referral by the United States Employment Service.* Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service:

(1) The new employee is a male 17 years of age or older.

(2) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work; *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration; *And provided further*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(b) No employer in the Dayton area shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such individual would be subject to restrictions under this plan, except in a manner consistent with such restrictions. Employers may advertise for workers through any medium within the Dayton area only if the advertisement in each case carries a brief statement of the restrictions on hiring contained in this plan. No employer in the Dayton area shall advertise or otherwise recruit for workers outside the Dayton area except with the consent of the United States Employment Service.

(c) In addition to the above restrictions on hiring, no male worker may be hired for employment in any establishment which currently has male employees in excess of the number authorized by the Area Director of the War Manpower Commission. Authorization

to hire specified numbers and types of workers referred by the USES shall be granted to any employer when:

(1) Such employer has been classified by the Area Manpower Priorities Committee as one whose necessary war production commitments or essential service to the civilian economy require either an expansion of his labor force or the provision of replacements to maintain his labor force at a given level; and

(2) Such employer has agreed to provide the USES with employment information required for the operation of this program: *Provided*, That, authorization to hire a key worker, without whose services the operations of an establishment would be seriously impaired, may be granted to an employer without regard to his classification by the Priorities Committee.

(d) No provision of this employment stabilization plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment.

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purpose of the program, unless the employee is customarily engaged in work of less than seven days' duration.

(3) The hiring by a foreign state, county, or municipal government, or their political subdivision or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign state, county or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program.

(4) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(5) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(6) The hiring of a veteran of World War II within the first 60 days following the first day of his initial civilian employment subsequent to discharge.

SEC. 6. Hiring with consent of USES.

(a) Subject to minimum standards prescribed by the Regional Director of the War Manpower Commission, employers or other hiring or referral agencies may be granted authority by the Area Director of the WMC to hire or to refer workers solely upon presentation of a statement of availability.

(b) Consent is hereby given for all employers of eight or less employees located in Greene and Preble Counties to hire workers subject to referral under section 6 (a) above, solely upon presentation of a statement of availability: *Provided, however*, That no employer engaged in a less essential activity may hire any worker who, within the preceding 60-day period was employed in an essential or locally needed activity, except upon referral by the USES.

SEC. 7. Hiring regulations—(a) *Requirement of statement of availability.* A new employee, who during the preceding 60-day period, was engaged in an essential or locally needed establishment, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed establishment or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed establishment; and/or is referred by the USES of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed establishment shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance in his employment would involve undue personal hardship.

(i) In the case of an individual who is a first-time employee without previous industrial experience, and who finds his job in essential industry unsuitable and has so notified his employer, the USES shall grant a statement of availability to such individual on the grounds of undue personal hardship, provided application for such statement is made within fifteen calendar days from date of hire in such essential industrial establishment.

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof), as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 8. Procedure for issuance of statements of availability and referral to new employment. Whenever a worker has been discharged or laid off (indefinitely or for seven or more consecutive days) his employer shall immediately issue a statement of availability to him. If he believes he is

entitled to such statement for any of the other reasons set forth in section 7, he shall request his employer to issue such statement to him. Promptly, but never more than three days after such request is made, the employer shall deliver such statement to the worker or shall notify him in writing that he has denied such request. The notice of denial shall advise the worker that he may apply to the USES if he wishes to do so and that he should remain on the job while the application is pending, but will be excused from his duties if necessary to file his application. An application may be filed with the USES by any worker whose employer has failed or refused upon request to issue a statement of availability to him. The USES shall promptly investigate and decide the issue involved and shall notify the worker and employer in writing of the decision.

SEC. 9. Contents of statements of availability. A statement of availability issued to an individual shall contain only the individual's name, address, occupation, social security account number, if any, the name and address of the issuing employer, the date of issuance, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

SEC. 10. Control of inter-area migration—(a) Out-migration. Any resident of the Dayton area wishing to seek employment in a labor market area within Region V in which he has not worked or lived during the preceding 30-day period shall apply to the United States Employment Service nearest his present home or place of employment for a statement of inter-area clearance. Subject to such additional standards as the Regional Director may prescribe, such inter-area clearance shall be granted if:

(1) He is entitled to, or is not required to obtain a statement of availability; and
(2) His reasons for wishing to seek employment elsewhere are such as to take precedence over the local need for his services, and

(3) He agrees not to seek work in any area into which migration has been limited by action of a State Director of the War Manpower Commission.

(b) In-migration. Subject to such additional limitations as the Regional Director may prescribe, an in-migrant may be employed only if:

(1) He has been granted a statement of inter-area clearance or equivalent by the United States Employment Service in the area of his last residence or employment; provided that if the in-migrant worker's last place of residence was outside Region V, he may be employed if he presents a statement of availability or evidence that he is not required to obtain one; or
(2) He has been recruited through the clearance system of the USES.

(c) Limitation of migration. Whenever, in the judgment of the Ohio State Director, the volume of migration into the Dayton area becomes so great as to threaten the safety and welfare of the community or results in failure to use local sources of labor or in failure to sup-

ply the labor needs of more critical areas, he may proclaim a limit upon migration into such area. Thereafter, applicants for employment who have not worked or lived in such area throughout the 30 days preceding application shall be referred to employment only in accordance with the standards prescribed by the State Director.

SEC. 11. Authorized action to secure compliance. (a) A statement of availability shall be issued by the United States Employment Service upon request to any individual in the employ of an employer who the War Manpower Commission finds, after notice and opportunity to be heard, has not complied with the Dayton War Manpower Stabilization Plan, executive order, or regulations, and for so long as such employer continues his non-compliance after such finding. The Area Director with Committee approval may also forbid such employer to hire any new employee so long as such non-compliance continues.

(b) The War Manpower Commission shall take such action as may be necessary and practicable to discover the places of employment of workers who have left their employment in essential or locally needed activities and have been hired for and accepted new employment contrary to the provisions of this plan. Upon finding that such hiring for and acceptance of new employment has occurred with respect to any worker, the hiring employer shall release such worker who shall be directed to return to his former employment or referred to other employment at the discretion of the Area Director.

SEC. 12. Seniority and re-employment rights. A worker who has applied for and has been granted a transfer under subsection (c) of section 7 shall have his seniority (as based on his length of service at time of transfer) and re-employment rights preserved during his absence, but without further accumulation of service unless union contracts provide otherwise for this type of transfer. Transferred workers shall apply for re-employment with their original employer within seven calendar days after separating from the job to which they originally transferred. No worker applying for re-employment with his original employer shall be refused re-employment on account of physical condition if such worker's physical condition is substantially the same as when the worker was originally transferred.

SEC. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan in accordance with regulations and proceedings of the War Manpower Commission.

SEC. 14. Representation. Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program. Nothing contained in this plan shall

change, modify or restrict any union contract.

SEC. 15. General referral policies. No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission. The decision to refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, national origin, or (except as required by law) citizenship.

SEC. 16. Effective date. This amended plan shall become effective July 1, 1944: *Provided*, That any action taken under the previous Dayton Employment Stabilization Plan shall not be affected thereby until and unless positive action is taken by the Area Director in accordance with this plan.

SEC. 17. Amendments. This plan may be altered or amended in the same manner as provided in its original adoption.

Dated: July 1, 1944.

MARION A. GREGG,
Area Director.

Approved: July 10, 1944.

ROBERT C. GOODWIN,
Regional Director.

[F. R. Doc. 44-17722; Filed, Nov. 18, 1944;
2:20 p. m.]

LIMA, OHIO, AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Lima, Ohio area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs" effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Restrictions or solicitation and hiring of workers.
4. Control of inter-area migration.
5. Contents of statements of availability.
6. Reasons for referral to new employment.
7. Job transfer and appeals procedure.
8. Representation.
9. General referral policies.
10. Existing contracts.
11. Amendments.
12. Effective date.

SECTION 1. Purpose. In order to promote the orderly transfer and migration of workers, prevent piracy and unethical labor practices, reduce turnover and absenteeism, encourage upgrading, and, in general, to insure the most advantageous utilization of all available manpower of the Lima, Ohio, area for the effective prosecution of the war and the preservation of a minimum civilian economy, the Lima Area Director and the Lima Area War Manpower Committee, acting with the consent and approval of the Regional Director of the War Manpower Commission, do hereby adopt the following plan:

SEC. 2. Definitions. (a) "The Lima, Ohio, area" shall consist of Allen, Put-

nam and Van Wert Counties and Auglaize County except the townships of St. Marys, German and Jackson; and the provisions herein apply in that area only.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30 day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employees' principal work shall be disregarded.

(e) "Essential activity" means any activity included in the War Manpower Commission list of essential activities or any activity approved by the Regional Manpower Director as a locally needed activity. (9 F.R. 3439)

(f) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

(g) "A local shortage occupation" is an occupation or category of occupations in which shortages in the Area threaten critically needed war production. The USES, subject to approval by the Area Director, shall designate such local shortage occupations on the basis of the number and age of unfilled orders and other pertinent information.

(h) "A statement of inter-area clearance" means a statement issued by a local office of the United States Employment Service to an out-migrant worker, indicating that his services are not needed in the area and that, upon advice of the United States Employment Service, he has agreed not to use this clearance in any area where in-migration is restricted.

(i) "Employment ceilings." An employment ceiling is the highest level of total employment or of specified types of employees which an establishment is not permitted to exceed, based upon an approved and necessary production schedule. Ceilings may be established so as to:

- (1) Permit employment expansion;
- (2) Maintain employment at present levels; or
- (3) Reduce the employment level.

(j) "Manpower allowances". A manpower allowance represents an administrative determination of the number of employees or specified types of employees, within the ceiling which an establishment is currently not permitted to exceed and is used as the means for the current allocation and referral of available labor. This manpower allowance is subject to

change as supply factors in the labor market may warrant.

(k) "Priority referral". Priority referral is a program which provides that employers, except agricultural employers, in any area may hire workers only from among those referred by the United States Employment Service of the War Manpower Commission or in accordance with arrangements approved by the United States Employment Service, so that workers may be referred to jobs in the order of the relative importance of those jobs to the war effort.

SEC. 3. Restrictions or solicitation and hiring of workers. (a) No employer in the area shall hire any new employee except upon referral by, or with the consent of, the United States Employment Service.

(1) Subject to minimum standards prescribed by the Regional Director of the War Manpower Commission, after consultation with the Regional Labor-Management Committee, employers or other hiring or referral agencies may be granted authority by an Area Director of the WMC to hire workers subject to referral by the USES without such referral, but solely on presentation of a statement of availability.

(2) Authorization to hire specified numbers of male workers referred by the USES shall be granted to any employer covered by an approved ceiling (Manpower budget) program when: (i) Such employer has been classified by the Area Manpower Priorities Committee as one whose necessary war production commitments or essential service to the civilian economy require either an expansion of his current male labor force (Class A) or the provision of replacements to maintain his present male labor force at its current level (Class B); and (ii) such employer has agreed to provide the USES with employment information required for the operation of this program.

(3) Authorization to hire a key male worker, without whose services the operations of an establishment necessary to the civilian economy would be impaired, may be granted to an employer without regard to his classification by the Priorities Committee.

(b) All employers shall hire or refrain from hiring any individual solely on the basis of essential qualifications and suitability for performance of the job and without discrimination as to race, color, creed, sex, national origin, or, except as required by law or regulations of procurement agencies of the armed forces, citizenship.

(c) No employer in the area shall advertise or otherwise solicit for the purpose of hiring any person within or without the area if such an individual would be subject to restrictions under this plan except in a manner consistent with such restrictions. Employers shall advertise in newspapers within the area only if each advertisement carries, or the newspaper carries on each page containing help-wanted ads, a brief statement of the restrictions on hiring contained in this plan. Radio advertisements shall carry a statement as to compliance with this plan.

(d) No provision of the employment stabilization plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment.

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purpose of the plan, unless the employee is customarily engaged in work of less than seven days duration.

(3) The hiring of an employee in any territory or possession of the United States, except Alaska and Hawaii.

(4) The hiring by a foreign, State, County, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, County or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable, under the Constitution and laws applicable to it, with the plan.

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(7) The hiring of a veteran of World War II within the first 60 days following his initial civilian employment subsequent to discharge.

SEC. 4. Control of inter-area migration—(a) Out-migration. Any resident of Region V wishing to seek employment in a labor market area within Region V in which he has not worked or lived during the preceding 30-day period shall apply to the United States Employment Service nearest his present home or place of employment for a statement of inter-area clearance. Subject to such additional standards as the Regional Director may prescribe, such inter-area clearance shall be granted if:

(1) He is entitled to, or is not required to obtain, a statement of availability; and

(2) His reasons for wishing to seek employment elsewhere are such as to take precedence over the local need for his services; and

(3) He agrees not to seek work in any area into which migration has been limited by action of a State Director of the War Manpower Commission.

(b) *In-migration.* Subject to such additional limitations as the Regional Director may prescribe, an in-migrant worker may be employed only if:

(1) He has been granted a statement of inter-area clearance or equivalent by the United States Employment Service in the area of his last residence or employment: *Provided*, That if the in-migrant worker's last place of residence was outside Region V, he may be employed if he presents a statement of availability or evidence that he is not required to obtain one; or

(2) He has been recruited through the clearance system of the USES.

(c) *Limitation of migration.* Whenever, in the judgment of the Ohio State Director, the volume of migration into any labor market area becomes so great as to threaten the safety and welfare of the community or results in failure to use local sources of labor or in the failure to supply the labor needs of more critical areas, he may proclaim a limit upon migration into such area. Thereafter, applicants for employment who have not worked or lived in such area throughout the 30 days preceding application shall be referred to employment only in accordance with the standards prescribed by the State Director.

Sec. 5. Contents of statements of availability. (a) A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, occupation, and social security number (if any), the name and address of the issuing employer, the date of issuance, and a statement that the individual to whom it is issued may be hired only upon referral by, or with the consent of, the United States Employment Service, except as provided in section 3 (d).

Sec. 6. Reasons for referral to new employment. (a) A worker who has been employed in an essential activity within the preceding 60-day period may be referred to new employment only if:

(1) He has been discharged or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance in his employment would cause undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below a standard established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustments, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof, or

(6) He is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort and the USES is able to refer him to other employment in which the individual will be more fully utilized in the war effort.

(b) *Referral to new employment by the United States Employment Service.*

(1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (a) of section 6 is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall refer the individual to new employment.

(2) Referral to new employment shall be granted by the United States Employment Service to any individual in the employ of an employer whom the War Manpower Commission finds, after notice, hearing and final decision has not complied with any War Manpower Commission employment stabilization program, regulation or policy and for so long as such employer continues his non-compliance after such finding.

Sec. 7. Job transfer and appeals procedure. (a) If a worker desires to be transferred, he shall notify his employer of that fact, together with his reasons. If the employer fails or refuses to issue a statement of availability, then the worker shall notify the local office of the United States Employment Service of the War Manpower Commission, and the United States Employment Service of the War Manpower Commission shall forthwith consult with the employer and make such further investigation as it deems advisable. Within five days, the United States Employment Service of the War Manpower Commission shall determine the issue and grant a referral to new employment if the worker is entitled to it, and shall notify the worker and the employer of the action taken.

(b) *Responsibilities of workers.* (1) To change jobs only upon referral by the United States Employment Service and to remain on their jobs until such time as statements of availability are issued to them, or such referral is granted.

(2) To attend their jobs in essential activities regularly and with only such absences as may be unavoidable.

(3) This plan provides Appeals Panels for each of the counties represented in the area. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan in accordance with regulation and procedures of the War Manpower Commission. Such regulations and procedures are on file in the office of the Area Director of the War Manpower Commission, and in all local United States Employment Service offices within the area.

Sec. 8. Representation. Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him at any step in the operation of this plan.

Sec. 9. General referral policies. (a) No provision in this plan shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(b) Subject to standards prescribed by the Regional Director and after consultation with Area Manpower Priorities Committees, the Area Director may

designate certain job orders or openings for priority service by the USES, in terms of the importance of filling such openings to the war effort.

(c) So far as may be consistent with the requirements of the war effort, and subject to standards prescribed by the Regional Director after consultation with the Regional Labor-Management Committee, individual workers subject to referral by the USES shall enjoy a free choice among suitable job openings in essential activities: *Provided, however,* That wherever in the judgment of the Area Director, after consultation with the Area Manpower Priorities Committee, failure to fill priority openings is interfering with the war effort, the worker's freedom of choice may be limited to suitable openings on the priority list.

(1) In determining the suitability of a particular job opening for a worker, local USES offices shall consider the following factors:

(i) The degree of risk involved to his health, safety, and morals.

(ii) His physical fitness.

(iii) His job training.

(iv) His previous experience.

(v) His length and recency of his experience and training.

(vi) The demand for his experience and training in the war effort.

(vii) His usual earnings.

(viii) The distance of the prospective employment from his residence (considering transportation facilities), or the availability of suitable housing at or near the place of prospective employment.

(2) No individual shall be required to accept referral to a position if:

(i) The position offered is vacant due directly to a strike, lockout, or other labor dispute unless such referral is specifically authorized by the Regional Director as required for the successful prosecution of the war;

(ii) As a condition of being employed, the individual would be required to join or to refrain from joining any labor organization;

(iii) The remuneration, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

Sec. 10. Existing contracts. Nothing contained in this plan shall be construed as to change, modify, or restrict any union contracts, Civil Service regulations, existing laws or ordinances.

Sec. 11. Amendments. This plan may be altered or amended in the same manner as provided for in its original adoption.

Sec. 12. Effective date. The provisions of this plan shall become effective July 1, 1944.

Dated: July 1, 1944.

E. M. SEVING,
Area Director.

Approved: July 1, 1944.

ROBERT C. GOODWIN,
Regional Director.

[F. R. Doc. 44-17723; Filed, Nov. 18, 1944;
2:20 p. m.]

WESTERN OHIO AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Western Ohio Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs" effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Restrictions or solicitation and hiring of workers.
4. Control of inter-area migration.
5. Contents of statements of availability.
6. Reasons for referral to new employment.
7. Job transfer and appeals procedure.
8. Representation.
9. General referral policies.
10. Existing contracts.
11. Amendments.
12. Effective date.

SECTION 1. Purpose. In order to promote the orderly transfer and migration of workers, prevent piracy and unethical labor practices, reduce turnover and absenteeism, encourage upgrading, and, in general, to insure the most advantageous utilization of all available manpower of the Western Ohio Area for the effective prosecution of the war and the preservation of a minimum civilian economy, the Western Ohio Area Director, and the Western Ohio Area War Manpower Committee, acting with the consent and approval of the Regional Director of the War Manpower Commission, do hereby adopt the following plan:

SEC. 2. Definitions. (a) The Western Ohio area shall consist of Shelby, Mercer, Logan, Miami, and Darke Counties; St. Marys, Jackson and German Townships in Auglaize County, and the provisions herein apply in that area only.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employees principal work shall be disregarded.

(e) "Essential activity" means any activity included in the War Manpower Commission list of essential activities or any activity approved by the Regional Manpower Director as a locally needed activity. (9 F.R. 3439).

(f) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary

employment mean his principal employment.

(g) "A local shortage occupation" is an occupation or category of occupations in which shortages in the area threaten critically needed war production. The USES subject to approval by the Area Director, shall designate such local shortage occupations on the basis of the number and age of unfilled orders and other pertinent information.

(h) "A statement of inter-area clearance" means a statement issued by a local office of the United States Employment Service to an out-migrant worker, indicating that his services are not needed in the area and that, upon advice of the United States Employment Service, he has agreed not to use this clearance in any area where in-migration is restricted.

(i) "Employment ceilings". An employment ceiling is the highest level of total employment or of specified types of employees which an establishment is not permitted to exceed, based upon an approved and necessary production schedule. Ceilings may be established so as to:

- (1) Permit employment expansion;
- (2) Maintain employment as present levels; or
- (3) Reduce the employment level.

(j) "Manpower allowances." A manpower allowance represents an administrative determination of the number of employees or specified types of employees, within the ceiling which an establishment is currently not permitted to exceed and is used as the means for the current allocation and referral of available labor. This manpower allowance is subject to change as supply factors in the labor market may warrant.

(k) "Priority referral." Priority referral is a program which provides that employers, except agricultural employers, in any area may hire workers only from among those referred by the United States Employment Service of the War Manpower Commission or in accordance with arrangements approved by the United States Employment Service, so that workers may be referred to jobs in the order of the relative importance of those jobs to the war effort.

SEC. 3. Restrictions or solicitation and hiring of workers—(a) No employer in the area shall hire any new employee except upon referral by, or with the consent of, the United States Employment Service. (1) Subject to minimum standards prescribed by the Regional Director of the War Manpower Commission, after consultation with the Regional Labor-Management Committee, employers or other hiring or referral agencies may be granted authority by an area director of the WMC to hire workers subject to referral by the USES without such referral, but solely on presentation of a statement of availability.

(2) Authorization to hire specified numbers of male workers referred by the USES shall be granted to any employer covered by an approved ceiling (manpower budget) program when: (1) Such employer has been classified by the Area Manpower Priorities Commit-

tee as one whose necessary war production commitments or essential service to the civilian economy require either an expansion of his current male labor force (Class A) or the provision of replacements to maintain his present male labor force at its current level (Class B); and (ii) such employer has agreed to provide the USES with employment information required for the operation of this program.

(3) Authorization to hire a key male worker, without whose services the operations of an establishment necessary to the civilian economy would be impaired, may be granted to an employer without regard to his classification by the Priorities Committee.

(b) All employers shall hire or refrain from hiring any individual solely on the basis of essential qualifications and suitability for performance of the job and without discrimination as to race, color, creed, sex, national origin, or, except as required by law or regulations of procurement agencies of the armed forces, citizenship.

(c) No employer in the area shall advertise or otherwise solicit for the purpose of hiring any person within or outside the area if such an individual would be subject to restrictions under this plan except in a manner consistent with such restrictions. Employers shall advertise in newspapers within the area only if each advertisement carries, or the newspaper carries on each page containing help-wanted ads, a brief statement of the restrictions on hiring contained in this plan. Radio advertisements shall carry a statement as to compliance with this plan.

(d) No provision of the employment stabilization plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment.

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employees principal work; but such work shall not constitute the individual's "last employment" for the purpose of the plan, unless the employee is customarily engaged in work of less than seven days duration.

(3) The hiring of an employee in any territory or possession of the United States, except Alaska and Hawaii.

(4) The hiring by a foreign, State, County, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, County or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable, under the Constitution and laws applicable to it, with the plan.

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(7) The hiring of a veteran of World War II within the first 60 days following his initial civilian employment subsequent to discharge.

Sec. 4. Control of inter-area migration.—(a) *Out-migration.* Any resident of Region V wishing to seek employment in a labor market area within Region V in which he has not worked or lived during the preceding 30-day period shall apply to the United States Employment Service nearest his present home or place of employment for a statement of inter-area clearance. Subject to such additional standards as the Regional Director may prescribe, such inter-area clearance shall be granted if:

(1) He is entitled to, or is not required to obtain, a statement of availability; and

(2) His reasons for wishing to seek employment elsewhere are such as to take precedence over the local need for his services; and

(3) He agrees not to seek work in any area into which migration has been limited by action of a State Director of the War Manpower Commission.

(b) *In-migration.* Subject to such additional limitations as the Regional Director may prescribe, an in-migrant worker may be employed only if:

(1) He has been granted a statement of inter-area clearance or equivalent by the United States Employment Service in the area of his last residence or employment: *Provided*, That if the in-migrant worker's last place of residence was outside Region V, he may be employed if he presents a statement of availability or evidence that he is not required to obtain one; or

(2) He has been recruited through the clearance system of the USES.

(c) *Limitation of migration.* Whenever, in the judgment of the Ohio State Director, the volume of migration into any labor market area becomes so great as to threaten the safety and welfare of the community or results in failure to use local sources of labor or in the failure to supply the labor needs of more critical areas, he may proclaim a limit upon migration into such area. Thereafter, applicants for employment who have not worked or lived in such area throughout the 30 days preceding application shall be referred to employment only in accordance with the standards prescribed by the State Director.

Sec. 5. Contents of statements of availability. (a) A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, occupation, and social security number (if any), the name and address of the issuing employer, the date of issuance, and a statement that the individual to whom it is issued may be hired only upon referral by, or with the consent of, the United States Employment Service, except as provided in section 3 (d).

Sec. 6. Reasons for referral to new employment. (a) A worker who has been employed in an essential activity within the preceding 60-day period may be referred to new employment only if:

(1) He has been discharged or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance in his employment would cause undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below a standard established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof, or

(6) He is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort and the USES is able to refer him to other employment in which the individual will be more fully utilized in the war effort.

(b) *Referral to new employment by the United States Employment Service.*

(1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (a) of section 5 is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall refer the individual to new employment.

(2) Referral to new employment shall be granted by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision has not complied with any War Manpower Commission employment stabilization program, regulation or policy and for so long as such employer continues his non-compliance after such finding.

Sec. 7. Job transfer and appeals procedure. (a) If a worker desires to be transferred, he shall notify his employer of that fact, together with his reasons. If the employer fails or refuses to issue a statement of availability, then the worker shall notify the local office of the United States Employment Service of the War Manpower Commission, and the United States Employment Service of the War Manpower Commission shall forthwith consult with the employer and make such further investigation as it deems advisable. Within five days, the United States Employment Service of the War Manpower Commission shall determine the issue and grant a referral to new employment if the worker is entitled to it, and shall notify the worker and the employer of the action taken.

(b) *Responsibilities of workers.* (1) To change jobs only upon referral by the United States Employment Service and to remain on their jobs until such time as statements of availability are issued to them, or such referral is granted.

(2) To attend their jobs in essential activities regularly and with only such absences as may be unavoidable.

(3) This plan provides Appeals Panels for each of the counties represented in the area. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan in accordance with regulation and procedures of the War Manpower Commission. Such regulations and procedures are on file in the office of the Area Director of the War Manpower Commission, and in all local United States Employment Service offices within the area.

Sec. 8. Representation. Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him at any step in the operation of this plan.

Sec. 9. General referral policies. (a) No provision in this plan shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(b) Subject to standards prescribed by the Regional Director and after consultation with Area Manpower Priorities Committees, the Area Director may designate certain job orders or openings for priority service by the USES, in terms of the importance of filling such openings to the war effort.

(c) So far as may be consistent with the requirements of the war effort, and subject to standards prescribed by the Regional Director after consultation with the Regional Labor-Management Committee, individual workers subject to referral by the USES shall enjoy a free choice among suitable job openings in essential activities: *Provided, however*, That wherever in the judgment of the Area Director, after consultation with the Area Manpower Priorities Committee, failure to fill priority openings is interfering with the war effort, the worker's freedom of choice may be limited to suitable openings on the priority list.

(1) In determining the suitability of a particular job opening for a worker, local USES offices shall consider the following factors:

(i) The degree of risk involved to his health, safety, and morals.

(ii) His physical fitness.

(iii) His job training.

(iv) His previous experience.

(v) The length and recency of his experience and training.

(vi) The demand for his experience and training in the war effort.

(vii) His usual earnings.

(viii) The distance of the prospective employment from his residence (considering transportation facilities), or the availability of suitable housing at or

near the place of prospective employment.

(2) No individual shall be required to accept referral to a position if:

(a) The position offered is vacant due directly to a strike, lockout, or other labor dispute unless such referral is specifically authorized by the Regional Director as required for the successful prosecution of the war;

(b) As a condition of being employed, the individual would be required to join or to refrain from joining any labor organization;

(c) The remuneration, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

SEC. 10. *Existing contracts.* Nothing contained in this plan shall be construed as to change, modify, or restrict any union contracts, Civil Service regulations, existing laws or ordinances.

SEC. 11. *Amendments.* This plan may be altered or amended in the same manner as provided for in its original adoption.

SEC. 12. *Effective date.* The provisions of this plan shall become effective as of July 1, 1944.

Dated: July 1, 1944.

E. M. SEVING,
Area Director.

Approved: July 1, 1944.

ROBERT C. GOODWIN,
Regional Director.

[F. R. Doc. 44-17724; Filed, Nov. 18, 1944;
2:20 p. m.]

HAMILTON, OHIO, AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Hamilton, Ohio, Area, is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs" effective August 16, 1943, (8 F.R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Restrictions on solicitation and hiring of workers.
4. Reasons for issuance of statements of availability.
5. Requirement for and issuance of statements of availability.
6. Referral in case of under-utilization.
7. Content of statement of availability.
8. Control of inter-area migration.
9. Authorized action to secure compliance.
10. Appeals.
11. Representation.
12. General Referral Policies.
13. Seniority and reemployment.
14. Effective date.

SECTION 1. *Purpose.* The purpose of this plan is to aid in the effective prosecution of the war by providing measures equitable to labor and management which will:

(a) Encourage and assist employers in essential activities in their efforts to eliminate wasteful labor turnover.

(b) Reduce unnecessary migration of labor.

(c) Allocate scarce labor to the most urgent needs of the war effort.

(d) Obtain maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization plan: (a) "The Hamilton area" shall consist of all of Butler County except the city of Middletown, Lemon, and Madison townships, and all of Warren County except Franklin township, and the provisions herein apply to that area only.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Male worker" means any male employee 17 years of age or older.

(e) "In-migrant worker" means any worker who has not, during the last thirty days, been employed in or lived in the area in which he is seeking employment.

(f) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(g) "Essential activity" means any activity included in the War Manpower Commission list of essential activities. (9 F.R. 3439)

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a "locally needed" activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

(j) A local shortage occupation is an occupation or category of occupations in which shortages in the Hamilton area threaten critically needed war production. The U. S. Employment Service, subject to approval by the Area Director, shall designate such local shortage occupations on the basis of the number and age of unfilled orders and other pertinent information.

SEC. 3. *Restrictions on solicitation and hiring of workers.* (a) All hiring and solicitation of workers in, or for work in, this area shall be conducted in accordance with this employment stabilization plan.

(b) The decision to refer or hire a worker shall be based on qualifications essential for performance of or suitability

for the job and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(c) No employer in the area shall hire except upon referral by, or in accordance with, arrangements with the U. S. Employment Service.

(1) A male worker, 17 years of age or older.

(2) A new employee for work in a critical occupation or whose last employment was in a critical occupation.

(3) A new employee for work in a local shortage occupation or whose last employment was in a local shortage occupation after notice by the Area Director that such occupation has been so classified.

(4) A new employee who has not lived or worked in the area throughout the preceding 30-day period.

(5) A new employee whose last regular employment was in agriculture and he is to be hired for nonagricultural work: *Provided*, That no such individual shall be referred to nonagricultural work except after consultation with a designated representative of the Food Administration: *And provided further*, That such individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

(d) No employer in the area shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this plan, except in a manner consistent with such restrictions. No employer in the area shall advertise or otherwise recruit for workers outside the area except with the consent of the U. S. Employment Service.

(e) Any employer may hire a new employee without restriction if such new employee has not been employed in an essential or locally needed activity within the 60 days preceding such hiring, and such hiring is not subject to paragraph (c) of this section.

(f) Any employer in an essential activity, or in an activity declared "locally needed" may hire a new employee who has been employed in an essential activity, or "locally needed" activity, within the preceding 60-day period if such new employee presents a statement of availability issued by his last employer or the U. S. Employment Service, or a referral card issued by the U. S. Employment Service, and such hiring is not subject to paragraph (c) of this section.

(g) No employer engaged in other than an essential activity, or "locally needed" activity, shall hire a worker who has been employed in an essential or "locally needed" activity, within the preceding 60-day period except upon referral by the U. S. Employment Service.

(h) Upon hiring a new employee, the employer shall file the statement of availability, or the duplicate copy of the referral card furnished by the United States Employment Service.

(i) No provisions of this employment stabilization plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment,

(2) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purpose of the program, unless the employee is customarily engaged in work of less than seven days' duration.

(3) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it with this plan.

(4) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(5) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of vacation period.

(6) The hiring of a veteran of World War II within the first 60 days following his initial civilian employment subsequent to discharge.

(j) A worker whose most recent employment was in the construction industry may be assigned to new work in the construction industry by the appropriate officer of a recognized building trades union; provided such worker is not employed in an essential activity, or "locally needed" activity, including essential construction work at the time of such transfer and such assignment is cleared with the USES in such manner as required by the Area Director.

SEC. 4. Reasons for issuance of statements of availability. An individual who is, or was last employed in an essential or "locally needed" activity shall receive a statement of availability if:

(a) He has been discharged, within the meaning of Regulation 7, § 907.4 (b) 1, R. O. B. 133, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship.

(1) In the case of an individual who is a first-time employee, without previous industrial experience, and who finds his job in essential industry unsuitable and has so notified his employer, the USES shall grant a statement of availability to such individual on the grounds of undue personal hardship: *Provided*, Application for such statement is made within fifteen calendar days from date of hire in such essential industrial establishment.

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments

thereof) as warranting adjustments, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 5. Requirement for and issuance of statements of availability—(a) Requirement of statement of availability. A new employee, who during the preceding 60-day period, was engaged in an essential or locally needed establishment, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed establishment or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed establishment; and/or is referred by the USES of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by United States Employment Service.* A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 4 (b) is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

SEC. 6. Referral in case of under-utilization. (a) If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the U. S. Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort. A worker who wishes to request such referral shall first consult with his employer who may issue a notice that the worker may be referred by the U. S. Employment Service. If the employer fails to issue such notice, the worker may apply to the U. S. Employment Service for referral.

SEC. 7. Content of statement of availability. (a) A statement of availability issued to an individual shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer or office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical or local shortage occupation, and such other information not prejudicial to the individual in seeking new employment as the War Manpower Commission may require or authorize.

(b) In order to facilitate the employment of individuals during vacation, probationary, off-season or other short periods, the U. S. Employment Service may,

upon request by any such individual, issue to him a statement of availability or referral card containing limitations as to the length of time for which the worker is available for employment. At the expiration of such time, or sooner if requested by the U. S. Employment Service, the hiring employer shall promptly release the worker for return to his customary employment.

SEC. 8. Control of inter-area migration—(a) Out-migration. Any resident of the Hamilton area wishing to seek employment in a labor market area within Region V in which he has not worked or lived during the preceding 30-day period shall apply to the United States Employment Service nearest his present home or place of employment for a statement of inter-area clearance. Subject to such additional standards as the Regional Director may prescribe, such inter-area clearance shall be granted if:

(1) He is entitled to, or is not required to obtain a statement of availability, and

(2) His reasons for wishing to seek employment elsewhere are such as to take precedence over the local need for his services; and

(3) He agrees not to seek work in any area into which migration has been limited by action of a State Director of the War Manpower Commission.

(b) *In-migration.* Subject to such additional limitations as the Regional Director may prescribe an in-migrant worker may be employed only if:

(1) He has been granted a statement of inter-area clearance or equivalent by the United States Employment Service in the area of his last residence or employment: *Provided*, That if the in-migrant worker's last place of residence was outside Region V, he may be employed if he presents a statement of availability or evidence that he is not required to obtain one; or

(2) He has been recruited through the clearance system of USES.

SEC. 9. Authorized action to secure compliance. (a) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice and opportunity to be heard, has not complied with any War Manpower Commission employment stabilization plan; regulation or policy, and for so long as such employer continues his non-compliance after such finding. The Area Director may also forbid such employer to hire any new employee so long as such non-compliance continues.

(b) The War Manpower Commission shall take such action as may be necessary and practicable to discover the places of employment of workers who have left their employments in essential activities and have been hired for an accepted new employment contrary to the provisions of this plan. Upon finding that such hiring for and acceptance of new employment has occurred with respect to any worker, the hiring employer shall release such worker who shall be directed to return to his former employment or referred to other employment in the discretion of the Area Director.

Sec. 10. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan in accordance with regulations and procedures of the War Manpower Commission.

Sec. 11. Representation. Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him at any step in the operation of this plan.

Sec. 12. General referral policies. (a) No provision in this plan shall limit the authority of the U. S. Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

(b) Area Directors may designate certain job orders or openings for priority service by the USES, in terms of the importance of filling such openings to the war effort.

(c) Individual workers subject to referral by the USES shall enjoy a free choice among suitable job openings in essential activities: *Provided, however,* That wherever in the judgment of the Area Director, failure to fill priority openings is interfering with the war effort, the worker's freedom of choice may be limited to suitable openings on the priority list.

(1) In determining the suitability of a particular job opening for a worker, local USES offices shall consider the following factors:

- (i) The degree of risk involved to his health, safety and morals.
- (ii) His physical fitness.
- (iii) His job training.
- (iv) His previous experience.
- (v) The length and recency of his experience and training.
- (vi) The demand for his experience and training in the war effort.
- (vii) His usual earnings.
- (viii) The distance of the prospective employment from his residence (considering transportation facilities), or the availability of suitable housing at or near the place of prospective employment.

(2) No individual shall be required to accept referral to a position if:

- (i) The position offered is vacant due directly to a strike, lock-out, or other labor dispute unless such referral is specifically authorized by the Regional Director as required for the successful prosecution of the war;
- (ii) As a condition of being employed, the individual would be required to join or to refrain from joining any labor organization;
- (iii) The remuneration, hours, or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

Sec. 13. Seniority and reemployment. (a) A worker who has applied for transfer and has been granted a statement of availability shall have his seniority (as based on his length of service at time of transfer) and reemployment rights preserved during his absence, but without

further accumulation of service unless union contracts provide otherwise for this type of transfer. Transferred workers shall apply for reemployment with their original employer within seven days after separating from the job to which they originally transferred if such separation occurs prior to termination of the war (40 days if such separation occurs after the termination of the war.) No worker applying for reemployment with his original employer shall be refused reemployment on account of physical condition if such worker's physical condition is substantially the same as when the worker was originally transferred.

Sec. 14 Effective date. (a) This plan shall take effect July 1, 1944 and shall terminate upon agreement of the Area Committee, not later than six months after the termination of the war.

Dated: July 1, 1944.

J. M. BAKER,
Area Director.

Approved: July 10, 1944.

ROBERT C. GOODWIN,
Regional Director.

[F. R. Doc. 44-17725; Filed, Nov. 18, 1944;
2:21 p. m.]

WAR PRODUCTION BOARD.

[C-225]

TEXAS EQUIPMENT CO., INC.

CONSENT ORDER

Texas Equipment Company, Inc., 200 Portwood, Houston, Texas, is charged by the War Production Board with wilfully manufacturing during February and March 1944, without authority of the War Production Board, three pole type truck trailers, in violation of War Production Board conservation Order L-1-g, as amended May 10, 1943, and L-1-e, as amended January 4, 1944, and with wilfully incorporating into such trailers parts and material which had been secured by the Texas Equipment Company, Inc., under an allotment of the War Production Board for replacement parts only, in violation of War Production Board Priorities Regulation 1, § 994.11, as amended May 15, 1943. The Texas Equipment Company, Inc., does not admit or deny, nor does it wish to contest, the charge of the War Production Board that the above acts were wilful and done with knowledge of the pertinent regulations of the War Production Board.

Wherefore, upon the agreement and consent of Texas Equipment Company, Inc., the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Texas Equipment Company, Inc., its successors or assigns, shall not manufacture truck trailers or any other type vehicle without proper authority of the War Production Board.

(b) Texas Equipment Company, Inc., its successors or assigns, shall not, without specific authority of the War Produc-

tion Board, use, transfer or dispose of materials or parts received under authority of the War Production Board except for the specific use and in the manner prescribed in the authority under which the material or parts were received.

(c) Nothing contained in this order shall be deemed to relieve Texas Equipment Company, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the 19th day of November, 1944.

Issued this 9th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-17727; Filed, Nov. 18, 1944;
4:16 p. m.]

WAR SHIPPING ADMINISTRATION.

"BAMA"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress).

Whereas on July 17, 1942 title to the vessel "Bama" (237828) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spart parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in

accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: November 14, 1944.

[SEAL]

E. S. LAND,
Administrator.

[F. R. Doc. 44-17601; Filed, Nov. 17, 1944;
10:46 a. m.]

"MERCURY"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17-78th Congress).

Whereas on May 16, 1942, title to the vessel "Mercury" (234762) (including all

spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17-78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner.

* * *

and

Whereas no portion of just compensation for the said vessel has been paid or

deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: November 16, 1944.

[SEAL]

E. S. LAND,
Administrator.

[F. R. Doc. 44-17602; Filed, Nov. 17, 1944;
10:46 a. m.]